

**CITY OF BRIGHTON, COLORADO
REGULAR SESSION
FEBRUARY 4, 2014
7:00 P.M.**

*THERE IS A 5-MINUTE
LIMIT TO ADDRESS
COUNCIL.

MAYOR
MAYOR PRO-TEM

COUNCIL MEMBERS

- RICHARD N. MCLEAN
- KIRBY WALLIN
- LYNN BACA
- REX BELL
- J.W. EDWARDS
- MARK HUMBERT
- JOAN KNISS
- KEN KREUTZER
- CYNTHIA A. MARTINEZ

1. CALL TO ORDER

- A. Pledge of Allegiance to the American Flag.
- B. Roll Call.

2. CONSENT AGENDA

3. APPROVAL OF REGULAR AGENDA (Council may take a short break between 8:30–9:00 p.m.)

4. CEREMONIES

- A. Introduction of New Employees by Human Resources Director Karen Borkowski Surine.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

6. PUBLIC HEARINGS

- A. Village at Southgate.
 - 1. A Resolution of the City Council of the City of Brighton, Favorably Recommending Further Development of the Village at Southgate Overall Development Plan (ODP).
 - 2. An Ordinance of the City Council of the City of Brighton, Colorado, Approving the Village at Southgate Planned Unit Development (PUD), as an Amendment to the Fuller Estates East PUD, for the Approximate 79.811 Acre Property, Located Within Section 1, Township 2 South, Range 67 West of the 6th Principal Meridian, City of Brighton, County of Adams, State of Colorado, Subject to Specific Conditions as Set Forth Herein. **(First Reading)**

7. ORDINANCES FOR FINAL CONSIDERATION

8. RESOLUTIONS

- A. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Proposal of H.W. Houston Construction Company and Awarding the Contract for Phase 2 of the Replacement/Renovation of Exterior Wood Windows for North and West Sides of Historic City Hall, RFP #13-001, in an Amount not to exceed Ninety Two Thousand Dollars (\$92,000.00), and Authorizing the Mayor to Sign the Contract on Behalf of the City.

- B. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Proposal of Building Technology Systems, Inc. and Awarding the Contract for Phase 2 of the Replacement of Recreation Center Pool Boilers, RFP #13-038, in an Amount not to exceed Fifty Five Thousand One Hundred Fifty Five Dollars (\$55,155.00), and Authorizing the Mayor to Sign the Contract on Behalf of the City.
- C. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Bid of Silva Construction, Inc. and Awarding the Contract for the Handicap Ramp Replacement Program (2013 CDBG Project), Bid #13-078, in an Amount not to exceed Seventy One Thousand Three Hundred and Sixty Dollars (\$71,360.00), and Authorizing the Mayor to Sign the Contract on Behalf of the City and the City Clerk to Attest Thereto.
- D. Board and Commission Appointments.
 - 1. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Jeff Bernard as a Member of the Brighton Board of Appeals to Fill a New Term to September, 2016.
 - 2. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Archie Demarest as a Member of the Brighton Planning Commission to Fill an Unexpired Ward 4 Term to January, 2017.
 - 3. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Philip Covarrubias as an Alternate Member of the Brighton Planning Commission to fill an Unexpired Term to January, 2016.

9. UTILITIES BUSINESS ITEMS

Ordinances

- A. An Ordinance of the City Council of the City of Brighton, Colorado Amending Section 17-12-20 Words Terms and Phrases and Section 17-16-200 FC – Flood Plain Control District of Chapter 17. Land Use and Development Code, of the Brighton Municipal Code; Correcting and Adding Definitions; Adding Standards and Requirements for Applications for Flood Plain Permits and the Review Thereof; Adding to and Amending Certain Flood Plain Regulations; Designating Critical Facilities; Setting Requirements for Properties Removed from the Flood Plain by Fill and Recreational Vehicles as Required by the Colorado Department of Natural Resources, Water Conservation Board's Rules and Regulations for Regulatory Floodplains in Colorado; and Setting Forth Other Details Related Thereto. **(Public Hearing, First Reading)**

Resolutions

10. GENERAL BUSINESS

11. REPORTS

- A. By the Mayor
- B. By Department Heads
- C. By the City Attorney
- D. By the City Manager

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

13. EXECUTIVE SESSION

14. ADJOURNMENT

**City Council
Agenda Item
6A**

COMMUNITY DEVELOPMENT DEPARTMENT

To: Mayor and City Council, Through City Manager, Manuel Esquibel

Prepared By: Hazel Leem, Associate Planner

Requested Action: Hold a Public Hearing and Consider the Overall Development Plan and PUD Zoning Request for the Village at Southgate.

Requested Council Date: February 4, 2014

Statutory or Municipal Code Process Requirements (in order):

1. Hold a Public Hearing;
2. Consider the Overall Development Plan Resolution; and
3. Consider the Zoning Ordinance.

Statutory or Municipal Code Notification Requirements:

ODP	Neighbor Notice Letter	Newspaper Publication	Property Posting
Required	Not Applicable.	Not Applicable.	Not Applicable.
Actual	Sent: January 10, 2014	Published: January 8, 2014	Not Applicable.
	To: property owners w/in 300'	In: <u>Brighton Standard Blade</u>	Not Applicable.
	25 day notice ^{1,2}	27 day notice ^{1,2}	Not Applicable.
ZONING	Neighbor Notice Letter	Newspaper Publication	Property Posting
Required	Min. 15 day notice	Min. 15 day notice	Min. 15 day notice
Actual	Sent: January 10, 2014	Published: January 8, 2014	Posted: January 10, 2014
	To: property owners w/in 300'	In: <u>Brighton Standard Blade</u>	1 sign posted on the north portion of the property, adjacent to 120 th Ave.
	25 day notice ^{1,2}	27 day notice ^{1,2}	25 day notice ^{1,2}
Footnotes:			
1	The day the notice is posted/mailed/sent is not included in the number provided, but the day of the hearing is included in the number provided (considered a full day of notice).		
2	Notification for the Planning Commission and City Council public hearings were completed simultaneously to account for the longer period for actual notice timeframes.		

Review and Sign-Off:

	Associate Planner, Hazel Leem
	Planning Manager, Jason Bradford, AICP
	Community Development Director, Holly Prather, AICP
	City Attorney, Margaret Brubaker
	City Manager, Manuel Esquibel

PLANNING DIVISION STAFF REPORT

To: Mayor and City Council, through City Manager, Manuel Esquibel

Prepared By: Hazel Leem, Associate Planner

Reviewed By: Jason Bradford, AICP, Planning Manager
Holly Prather, AICP, Community Development Director

Date Prepared: January 10, 2014

Requested Action: Hold a Public Hearing and Consider the Overall Development Plan and PUD Zoning Request for the Village at Southgate.

PURPOSE:

Per Section 17-44-340 of the City of Brighton's *Residential Design Standards*, an Overall Development Plan (ODP) application is to be reviewed by both the Planning Commission and City Council. The City Council shall make the final determination to either favorably recommend or discourage further development of the ODP. In accordance with the *Land Use and Development Code*, Section 17-8-80, *Zone Changes*, all requests for zone changes, including new Planned Unit Developments, shall be by public hearing before the City Council, after a Planning Commission recommendation has been made and shall be approved by Ordinance.

SUMMARY:

The Applicant, Lorax Construction (the "Applicant") represented by Mr. Fred Cooke, on behalf of the property owner, PFG Acquisitions, LLC (the "Owner"), has submitted an Overall Development Plan (ODP) and a new Planned Unit Development (PUD) for the approximate eighty (80) acre property, titled the Village at Southgate. The requirements for an ODP are set forth in the *Residential Design Standards* of the Land Use Code, the purpose of which is to provide a conceptual master plan intended to accomplish the goals of integrated master planning for large development projects to integrate and provide connectivity between uses and design.

A PUD is a specific zoning designation intended to provide integrated land uses and site considerations for the land as a unit, to reflect maximum design freedom, including the encouragement of mixed-use development. The proposed PUD is predominately residential development, where the PUD designates Planning Area A and C for commercial development, Planning Area B and D can be developed either for commercial or multi-family residential development (up to 300 units), and Planning Area E is designated for a total of 150 lots for single family detached residential development. The proposed land uses are consistent with the Mixed Use Residential designation as set forth in the *South Sub-Area Plan*, which supplements the *Comprehensive Plan*.

BACKGROUND:

The Property was annexed by James Foley and Mary Ann McLaughlin and zoned as a portion of the Fuller Estates East PUD on August 2, 1988. The land has remained vacant since annexation and zoning for the Property as no platting applications have been approved previously. The Property is located south of 120th Avenue, east of Fuller Estates III PUD, west of vacant land that is a part of the Fuller East PUD, and north of I-76 and vacant land (Fuller Estates Central PUD). The Applicant initially submitted the ODP application on April 16, 2013 and the PUD and preliminary plat (Planning Commission review

only) applications were submitted subsequently thereafter on July 2, 2013. Upon approval of the preliminary plat by the Planning Commission, the Property will need to receive approval of a final plat application by the City Council to complete the platting process.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM:

➤ **LAND USE AND DEVELOPMENT CODE**

A. **Overall Development Plan**

Section 17-44-340(d)3 outlines the review criteria for ODPs:

1. The ODP is consistent with the *Comprehensive Plan* and with all other duly adopted plans and policies;
2. The ODP complies with all applicable zoning district, development and subdivision regulations; and
3. The ODP complies with these *Residential Design Standards*.

B. **Planned Unit Development**

- Section 17-8-80.5, *Criteria for Rezoning*, specifies four (4) criteria to be used in determining a request for rezoning. The criteria are as follows:

- 1) Complies with the *Comprehensive Plan* and other master plans of the City; and
- 2) Complies with the requirements of the *Land Use and Development Code*, and with the zone district; and
- 3) Provides consistency with the purpose and intent of the *Land Use and Development Code*; and
- 4) Provides compatibility with surrounding areas, is harmonious with the character of the neighborhood, and is not detrimental to the immediate area, the future development of the area, or the health, safety, or welfare of the inhabitants of the City.

- Section 17-16-110(d)(12)b, *Amending an Approved PUD Plan*, the proposed new PUD falls under the sub-section that, “Alterations to a PUD plan exceeding the limits established above [items noted under Section 17-16-110(d)(12).b] or any change in the category of use shall be reviewed by the Planning Commission and City Council according to the completed PUD plan review procedure.”

➤ **COMPREHENSIVE PLAN:**

The *South Sub-Area Plan* provides a designation of “Mixed Use Residential” for the Property. Mixed Use Residential allows for employment and retail uses with a strong emphasis on residential development. Significant pedestrian linkages and connections to mass transit are encouraged. The *South Sub-Area Plan* indicates that Mixed Use Residential designated areas are appropriate for Planned Unit Developments when processed for Land Use Applications, which is the proposed zoning for the subject Property. Residential development for Mixed Use Residential is allowed to be planned for up to 80% of the site with supporting retail and office development to be at 20%. The *Comprehensive Plan* in Figure 5: Planning Areas, shows the Property as being within the “120th Avenue Area” where integrated residential development with commercial development is indicated as the primary objective for land use(s).

PUBLIC NOTICE:

An Overall Development Plan is conceptual in nature and does not establish any vested development rights. As such, public notices are not required for Planning Commission or City Council meetings. The favorable recommendation of an ODP indicates that aspects of the proposed ODP are generally acceptable to the City and that applications may be submitted for zoning and platting, as applicable.

Public notice is required for a zoning application. Therefore, notice of the Planning Commission public hearing for the PUD zoning application was posted on the Property, and mailed to property owners within three hundred feet (300') of the Property, and published in the *Brighton Standard Blade* on January 8, 2014. The Planning Commission public hearing on the PUD was held on January 28, 2014.

In accordance with the Colorado Revised Statutes, Section 24-65.5-101 et. seq., requirements for notification to the mineral rights owners for the initial public hearing was determined to be “not applicable” as documentation was provided to the City that the property owner for the land surface rights and mineral rights are the same entity.

ANALYSIS:

A. Overall Development Plan

Staff finds that the Overall Development Plan complies with the review criteria in Section 17-44-340(d)(3) and provides the applicable ODP elements noted in Section 17-44-340(e) of the *Code*: (i) all applicable land analysis elements are shown on the ODP and (ii) the general organization of land uses/densities, circulation, parks and open space, and drainage is provided; (iii) the ODP proposes a neighborhood park to be a focal element for the ODP to meet the “neighborhood feature” element; (iv) no public facilities (i.e., schools, public safety facilities) have been determined to be necessary for the site. Existing school facilities for a middle and high school are located directly to the north of the Property. Therefore, staff recommends favorable review of the ODP as drafted in the attached resolution.

B. Planned Unit Development

The *Land Use and Development Code, Criteria for Rezoning*, specifies four (4) criteria to be used in considering a request for rezoning:

1. Complies with the *Comprehensive Plan* and other master plans of the City.

See details provided in the *Comprehensive Plan* section above. The proposed development is consistent with the objectives and land uses designated for the Property.

2. Complies with the requirements of the *Land Use and Development Code* and with the zone district.

The PUD provides the requirements found in the PUD zone district requirements as specified in Section 17-16-110 of the *Code*, specifically Section 17-16-110(c) for PUD Development Standards, Section 17-16-110(d)(4) Approval Criteria for PUDs, and Section 17-16-110(d)(13) for PUD Submittal Requirements.

3. Provides consistency with the purpose and intent of the *Land Use and Development Code*.

The PUD meets the purpose and intent of the *Land Use and Development Code* for the PUD zone district. The PUD provides flexibility for the integration of land uses to meet market demands for certain Planning Areas and also elevates design elements to be above standard development requirements. PUDs typically provide a higher level of organization for site layout, which in turn produces a more cohesive site while following the parameters outlined in the *Code*.

4. Provides compatibility with surrounding areas, is harmonious with the character of the neighborhood, and is not detrimental to the immediate area, the future development of the area, or the health, safety, or welfare of the inhabitants of the City.

The proposed PUD is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area or the health, safety, or welfare of the citizens of Brighton. The proposed PUD is consistent with the requirements outlined for a PUD district, the *Code*, and the *Comprehensive Plan* and *South Sub-Area Plan* as detailed above.

OPTIONS FOR COUNCIL’S CONSIDERATION:

- Favorably recommend further development of the ODP with or without conditions. (see draft)
- Discourage further development of the ODP.

- Approve the zoning request with or without conditions (see draft), by ordinance at first reading.
- Deny the zoning request with specific findings to justify the denial.

PLANNING COMMISSION UPDATE:

The Planning Commission held a meeting on January 28, 2014 to review and provide recommendation to City Council on the Overall Development Plan and Planned Unit Development. A resolution was approved unanimously for favorable review of the ODP and with conditions of the PUD as drafted by staff. (See attached resolution.) The Planning Commission also held a public hearing to review the request for approval of the Preliminary Plat. A resolution for approval of the preliminary plat was approved unanimously with a condition drafted by staff. (See attached resolution.)

FINDINGS:

Staff finds the proposed Overall Development Plan and Planned Unit Development applications to be substantially in compliance with the *Comprehensive Plan*, *South Sub-Area Plan*, other City-approved master plans, and the *Land Use and Development Code* in each application's respective requirements outlined above in the Land Use and Development Code and Analysis sections contained in this memorandum. Staff finds the proposed applications to be compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area or the health, safety, or welfare of the citizens of Brighton. Based upon these analysis and findings, staff has prepared a draft resolution favorably recommending the Overall Development Plan with conditions and a draft ordinance for the Planned Unit Development for approval with conditions.

ATTACHMENTS:

- City Council Resolution (draft for ODP)
- City Council Ordinance (draft for PUD)
- Planning Commission Memorandum
- Planning Commission Resolutions for ODP & PUD & Preliminary Plat (without exhibits)
- ODP Plan (18" x 24")
- PUD Plan (18" x 24")

CITY COUNCIL RESOLUTION
VILLAGE AT SOUTHGATE
OVERALL DEVELOPMENT PLAN

RESOLUTION NO.: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, FAVORABLY RECOMMENDING FURTHER DEVELOPMENT OF THE VILLAGE AT SOUTHGATE OVERALL DEVELOPMENT PLAN (ODP).

WHEREAS, the Applicant, Lorax Construction (the “Applicant”) represented by Mr. Fred Cooke, on behalf of the property owner, PFG Acquisitions, LLC (the “Owner”), is requesting a favorable recommendation of the Village at Southgate Overall Development Plan (the “ODP”), as more specifically described in **Exhibit A (Legal Description)** and **Exhibit B (ODP)**, attached hereto and incorporated herein, and subject to specific conditions as set forth herein; and

WHEREAS, the proposed ODP contains approximately 79.811 acres and is proposed for commercial, open space and parks, multi-family residential, and single family detached residential land uses; and

WHEREAS, the proposed ODP is in general conformance with the City’s *Comprehensive Plan* and *South Sub-Area Plan*, which designates the Property for Mixed Use Residential; and

WHEREAS, the ODP is in compliance with the *Land Use and Development Code* in terms of the ODP requirements set forth in the City’s *Residential Design Standards*; and

WHEREAS, pursuant to the *Land Use and Development Code, Residential Design Standards*, Section 17-44-340(d)(4), an Overall Development Plan (ODP) is a conceptual master plan intended to accomplish the goals of integrated master planning, connectivity between major developments, creation of park and open space networks across neighborhood boundaries, creation of neighborhood features and centers, provision of adequate utilities, and high levels of residential design quality; and

WHEREAS, pursuant to the *Land Use and Development Code, Residential Design Standards*, Section 17-44-340, an ODP application is to be presented to and reviewed by the Planning Commission and City Council under the review criteria set forth in Section 17-44-340(d)(3); and

WHEREAS, pursuant to the *Land Use and Development Code, Residential Design Standards*, Section 17-44-340, after review by the Planning Division, Planning Commission and City Council, the City Council shall make the final determination to either favorably recommend or discourage further development of the ODP based upon the review criteria set forth in Section 17-44-340(d)(3); and

WHEREAS, the Planning Commission reviewed the Village at Southgate ODP on January 28, 2014, and passed a resolution recommending to City Council the favorable consideration of the ODP; and

WHEREAS, in accordance with the *Colorado Revised Statutes*, Section 24-65.5-101 *et. seq.*, requirements for notification to the mineral rights owners for the initial public hearing was determined to be “not applicable” as documentation was provided to the City that the property owner for the land surface rights and mineral rights are the same entity; and

WHEREAS, at the public hearing, the City Council of the City of Brighton properly received and considered all relevant evidence and testimony from City staff, the Applicant, and other Interested Parties, including the public at large; and

WHEREAS, the City Council of the City of Brighton has reviewed the Village at Southgate ODP, and finds and declares that the ODP is compatible with the surrounding area and will not be detrimental to the future development of the area or the health, safety, or welfare of the inhabitants of the City of Brighton.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

1. The Village at Southgate Overall Development Plan (ODP) has been duly reviewed by the City Council and the Council favorably recommends further development of the Property as set forth in the ODP.

2. Pursuant to Section 17-44-340(d)(4) of the Land Use Code of the Brighton Municipal Code, a favorable recommendation of the Southgate ODP does not establish per se vested development rights for the Village at Southgate ODP. The ODP is conceptual in nature only and the favorable recommendation only indicates that the aspects of the proposed ODP are generally acceptable and that future applications may be submitted for platting and/or re-zoning and shall be consistent with the ODP.

RESOLVED, this 4th day of February, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq., City Attorney

Exhibit A: Legal Description

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 1
TOWNSHIP 2 SOUTH RANGE 67 WEST, OF THE 6TH PRINCIPAL
MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, DESCRIBED AS FOLLOWS:

THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 1,
TOWNSHIP 2 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL
MERIDIAN, EXCEPT THE NORTH 30 FEET THEREOF ON A LINE
PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER,
BEING THE RIGHT OF WAY OF EAST 120TH AVENUE.

PARCEL CONTAINS 79.811 ACRES MORE OR LESS.

OVERALL DEVELOPMENT PLAN
FOR
THE VILLAGE AT SOUTHGATE
IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 1 OF 8
COVER SHEET



SHEET 1 - COVER SHEET
SHEET 2 - LAND ANALYSIS PLAN
SHEET 3 - LAND ANALYSIS PLAN
SHEET 4 - CONCEPTUAL CIRCULATION & FEATURES PLAN
SHEET 5 - CONCEPTUAL PARK & OPEN SPACE PLAN
SHEET 6 - MASTER DRAINAGE PLAN
SHEET 7 - CONCEPTUAL DRAINAGE PLAN
SHEET 8 - CONCEPTUAL UTILITY PLAN

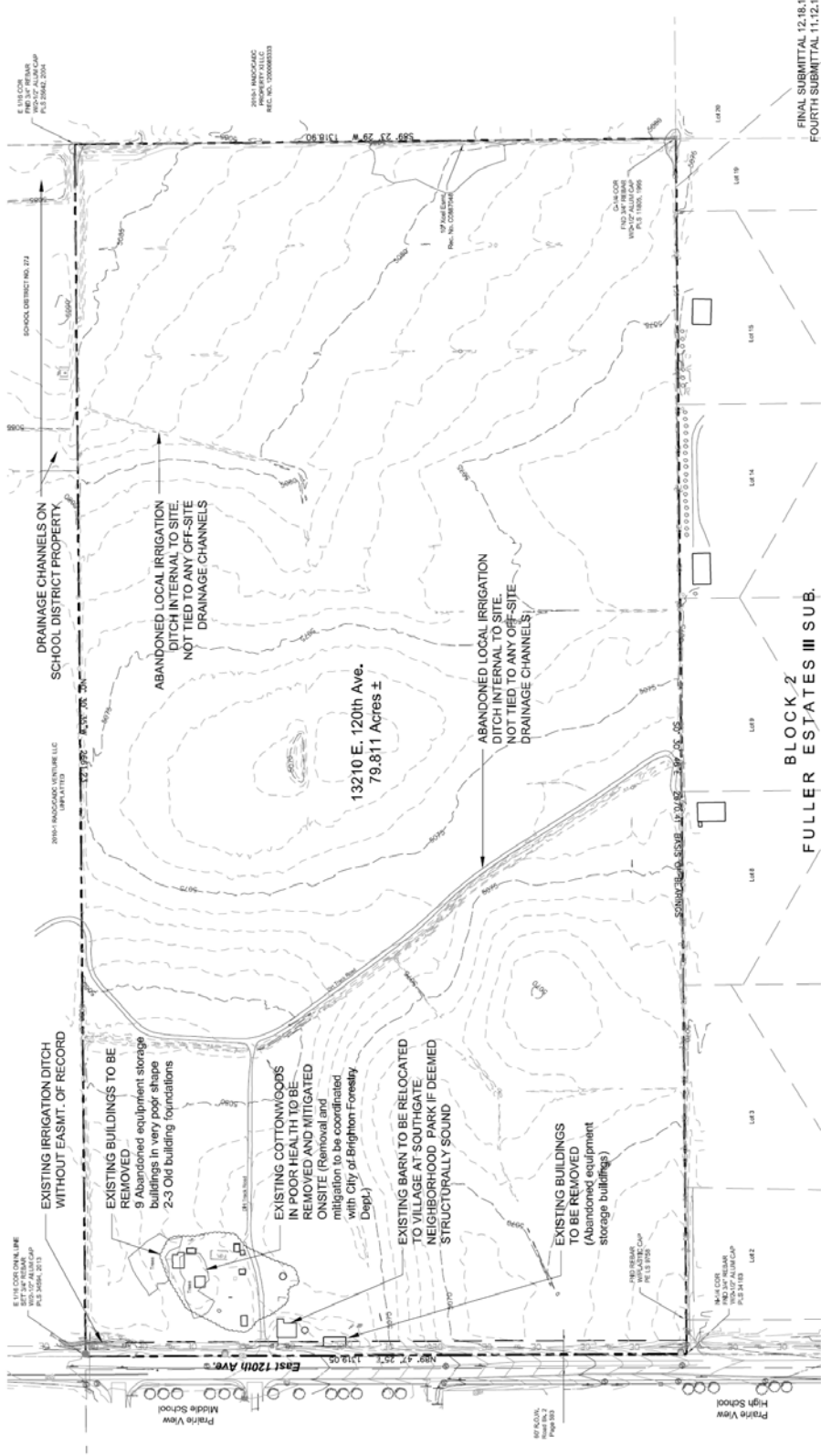
A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 1
TOWNSHIP 2 SOUTH RANGE 67 WEST, OF THE 6TH PRINCIPAL
MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, DESCRIBED AS FOLLOWS:

FINAL SUBMITTAL 12.18.13
FOURTH SUBMITTAL 11.12.13
THIRD SUBMITTAL 09.17.13
SECOND SUBMITTAL 06.20.13

SHEET NUMBER:	1 OF 8
SHEET TITLE:	COVER SHEET
INITIAL SUBMITTAL DATE:	04.11.13

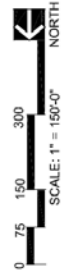
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OVERALL DEVELOPMENT PLAN
FOR
THE VILLAGE AT SOUTHGATE
IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 2 OF 8
LAND ANALYSIS PLAN

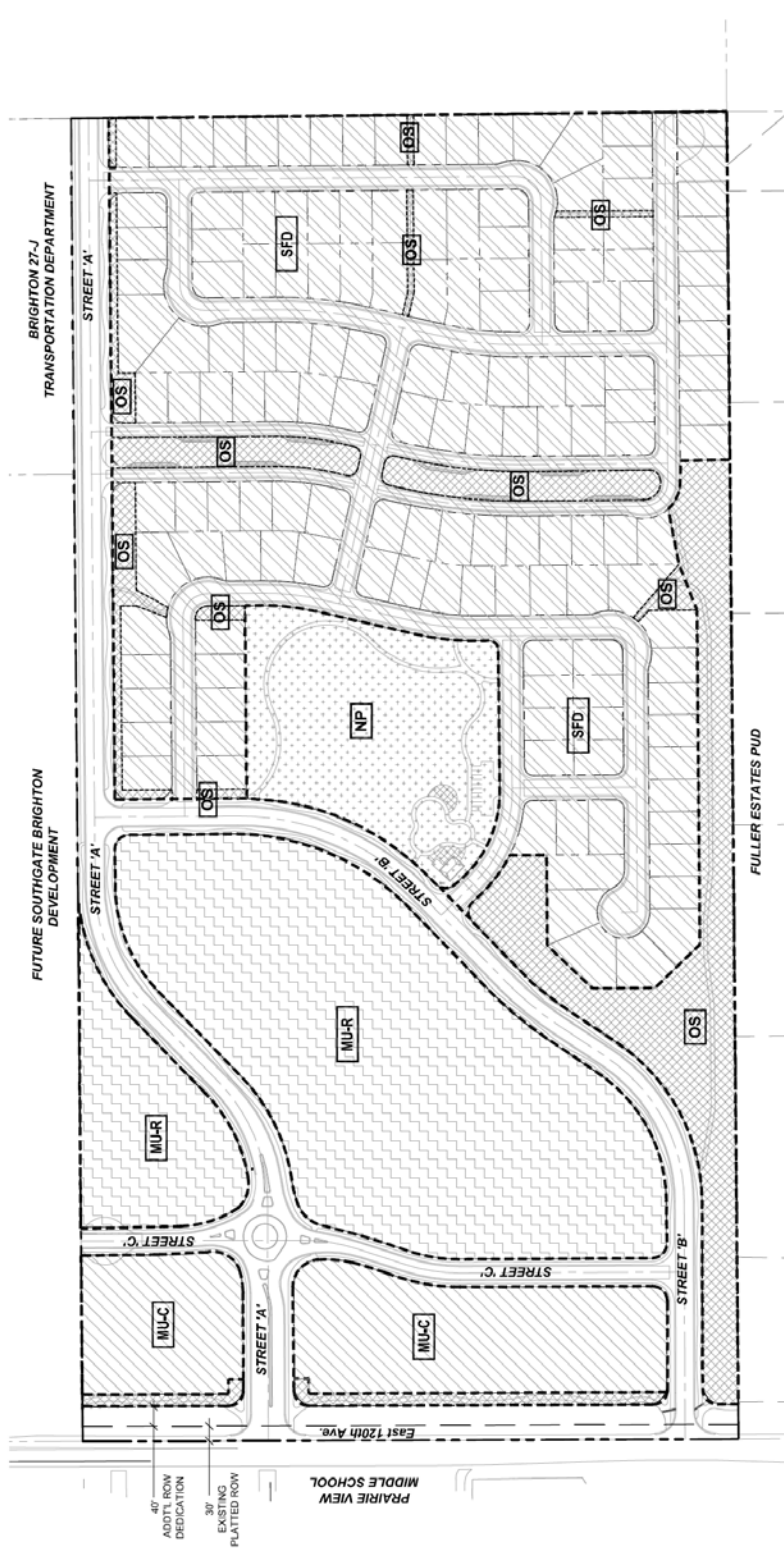


SHEET NUMBER: 2 OF 8
SHEET TITLE: LAND ANALYSIS PLAN
INITIAL SUBMITTAL DATE: 04.11.13
FINAL SUBMITTAL 12.18.13
FOURTH SUBMITTAL 11.12.13
THIRD SUBMITTAL 09.20.13
SECOND SUBMITTAL 06.20.13

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OVERALL DEVELOPMENT PLAN
FOR
THE VILLAGE AT SOUTHGATE
IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 3 OF 8
CONCEPTUAL LAND USE PLAN



LAND USE LEGEND:

	MU-C: MIXED USE COMMERCIAL ±5,941 AC		NP - NEIGHBORHOOD PARK ±4.98 AC
	MU-R: MIXED USE RESIDENTIAL / COMMERCIAL ±15,524 AC (net) - ±300 Units		OS - OPEN SPACE / RETENTION ±8.27 AC (See notes on Sheet 5)
	SFD: SINGLE FAMILY RESIDENTIAL ±25,188 AC (net) - ±150 Units		ROW - PUBLIC RIGHT OF WAY ±19.91 AC (Includes ROW within SFD)

All streets within the SFD area are public local roads

GENERAL NOTES:

- Existing zoning for the site is PUD. Proposed zoning for the site is PUD with underlying commercial and residential designations per the legend on this page.
- The proposed zoning contained within is consistent with the City of Brighton South Sub-area Master Plan.
- Areas are based upon net acreage.
- See Sheet 4 of this plan set for access and circulation.
- See Sheet 5 for open space calculations.

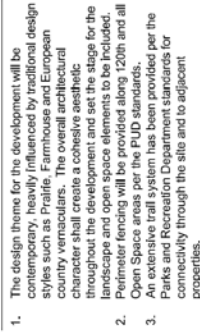


FINAL SUBMITTAL 12.18.13
FOURTH SUBMITTAL 11.12.13
THIRD SUBMITTAL 09.17.13
SECOND SUBMITTAL 06.20.13
SHEET NUMBER: 3 OF 8
SHEET TITLE: CONCEPT LAND USE PLAN
INITIAL SUBMITTAL DATE: 04.11.13



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CONCEPTUAL CIRCULATION & NEIGHBORHOOD FEATURE PLAN



FINAL SUBMITTAL 12.18.13

FOURTH SUBMITTAL 11.12.13

THIRD SUBMITTAL 09.17.13

SECOND SUBMITTAL 06.20.13

SHEET NUMBER: 4 OF 8

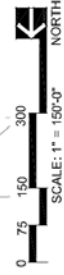
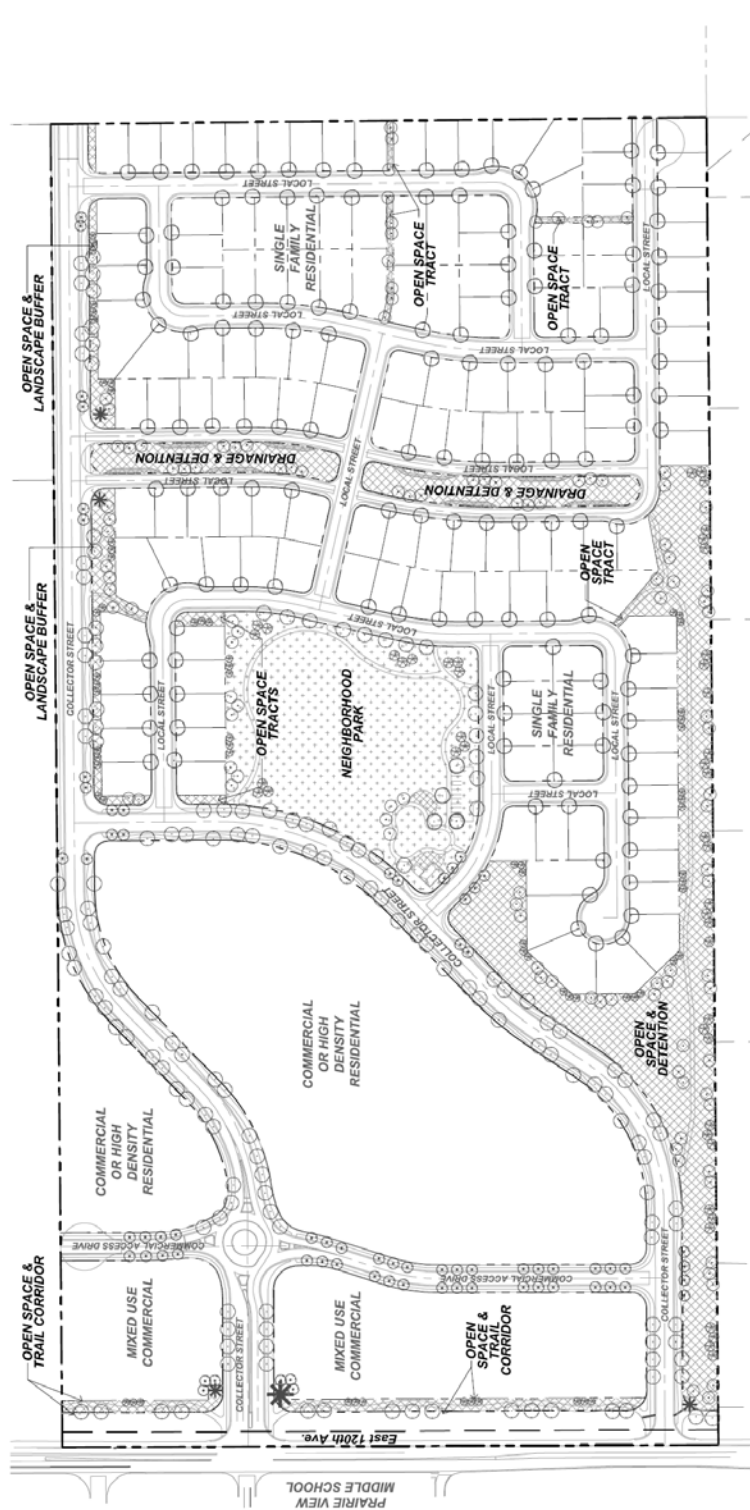
SHEET TITLE: CIRCULATION PLAN

INITIAL SUBMITTAL DATE: 04.11.13



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OVERALL DEVELOPMENT PLAN
FOR
THE VILLAGE AT SOUTHGATE
IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 5 OF 8
CONCEPTUAL PARK & OPEN SPACE PLAN



LEGEND AND OPEN SPACE CALCULATIONS:

	OPEN SPACE: 15 Acres / 1,000 Residents (450 DU) Required = ±19.98 Acres Proposed = ± 8,266 Acres Total (See PUD for more detail)
	NEIGHBORHOOD PARK: 3 Acres / 1,000 Residents (450 DU) Required = ± 3,996 Acres Proposed = ± 4,984 Acres

TREES - Conceptual layout showing general public areas to be landscaped. Landscape theme to be comprised of a low maintenance, xeric plant palette to compliment the architectural theme of the development.

GENERAL NOTES:

- All calculations are based upon the proposed residential density of 450 dwelling units (DU).
- Deficient Open Space requirement will be located off site or dedicated as a fee-in-lieu.
- The Community Park requirement of 53,998 Acres (3 Acres / 1,000 Residents) will be dedicated to the City of Brighton as a fee-in-lieu.
- The Neighborhood Park will serve as a focal point and central hub to the residential portion of development.
- Tree symbols shown for reference only. See final Landscape Plans for detailed locations, species and quantities.

FINAL SUBMITTAL 12.18.13
FOURTH SUBMITTAL 11.12.13
THIRD SUBMITTAL 09.17.13
SECOND SUBMITTAL 06.20.13

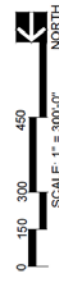
SHEET NUMBER: **5 OF 8**
SHEET TITLE: **PARK & OPEN SPACE PLAN**
INITIAL SUBMITTAL DATE: 04.11.13

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The site plan for Village at Southgate shows a rectangular property with a hatched interior. The property is bounded by a 'PROPERTY BOUNDARY' line. To the north of the property is 'INTERSTATE 76' and 'LOCUST RUN'. To the east of the property is 'SALEM ST' and 'FULLER ESTATES'. To the south of the property is 'PRAIRIE VIEW MIDDLE SCHOOL' and 'PRAIRIE VIEW HIGH SCHOOL'. To the west of the property is 'WHEELING ST' and 'FARNER ESTATES'. The property itself is labeled 'VILLAGE AT SOUTHGATE SITE'. A 'SOUTHGATE BRIGHTON (SOUTH 14 ACRES)' is also indicated. The plan includes 'TUMBLEWEED DRAIN' lines and 'MASTER DRAINAGE PLAN' lines. A 'DITCH ACCESS RD' is shown at the top left. A 'BRIGHTON 27-J TRANSPORTATION DEPARTMENT' is also labeled. The plan shows a network of roads and drainage lines within the property and surrounding areas.

URBAN DRAINAGE TUMBLEWEED DRAW

URBAN DRAINAGE LOCUST RUN



SHEET NUMBER:	6 OF 8
SHEET TITLE:	MASTER DRAINAGE PLAN
INITIAL SUBMITTAL DATE:	04.11.13

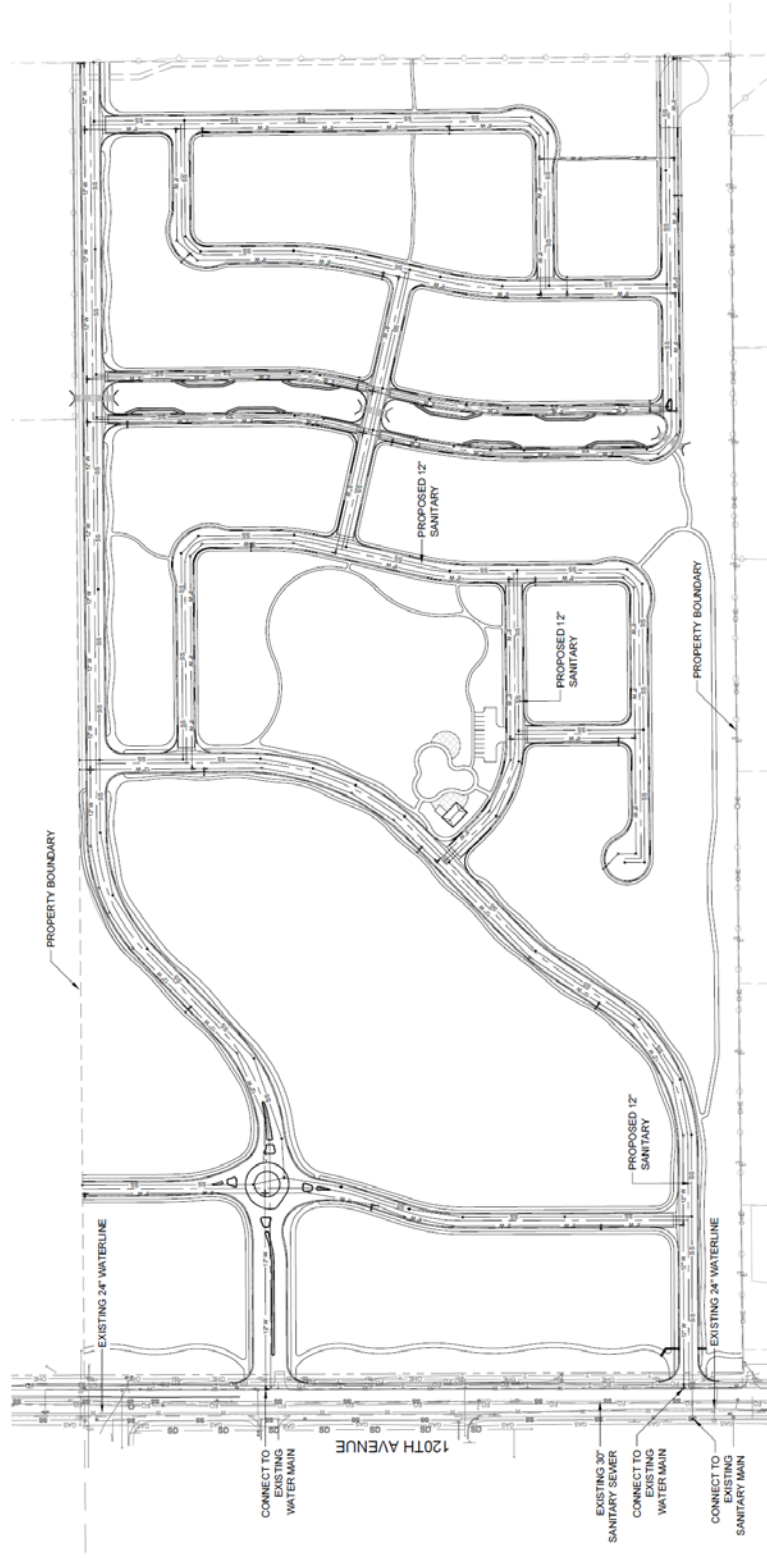
UNITED CIVIL
Design Group

FINAL SUBMITTAL 12.18.13
FOURTH SUBMITTAL 11.12.13
THIRD SUBMITTAL 09.10.13
SECOND SUBMITTAL 06.20.13

[illegible]

FINAL SUBMITTAL 12.18.13
FOURTH SUBMITTAL 11.12.13
THIRD SUBMITTAL 09.10.13
SECOND SUBMITTAL 06.20.13

OVERALL DEVELOPMENT PLAN
FOR
THE VILLAGE AT SOUTHGATE
IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 8 OF 8
CONCEPTUAL UTILITY PLAN



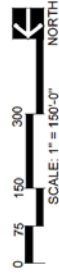
UTILITY LEGEND:

PROPOSED UTILITIES

—	SANITARY SEWER MAIN
—	SANITARY SEWER MANHOLE
—	12" WATER MAIN
—	8" WATER MAIN
—	4" WATER MAIN
—	FIRE HYDRANT

EXISTING UTILITIES

—	GAS LINE
—	SANITARY SEWER MAIN
—	WATER MAIN
—	FIBER OPTIC LINE
—	TELEPHONE LINE
—	OVERHEAD ELECTRIC



SHEET NUMBER	8 OF 8
SHEET TITLE	CONCEPT UTILITY PLAN
INITIAL SUBMITTAL DATE:	04.11.13



FINAL SUBMITTAL 12.18.13
FOURTH SUBMITTAL 11.12.13
THIRD SUBMITTAL 08.10.13
SECOND SUBMITTAL 06.20.13

1501 Academy Court, Suite 200, Brighton, CO 80624
(773) 539-5044 | www.unitedcivil.com

**CITY COUNCIL ORDINANCE
VILLAGE AT SOUTHGATE
PLANNED UNIT DEVELOPMENT**

ORDINANCE NO.: _____

INTRODUCED BY: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE VILLAGE AT SOUTHGATE PLANNED UNIT DEVELOPMENT (PUD), AS AN AMENDMENT TO THE FULLER ESTATES EAST PUD, FOR THE APPROXIMATE 79.811 ACRE PROPERTY, LOCATED WITHIN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, SUBJECT TO SPECIFIC CONDITIONS AS SET FORTH HEREIN.

WHEREAS, the Applicant, Lorax Construction (the “Applicant”) represented by Mr. Fred Cooke, on behalf of the property owner, PFG Acquisitions, LLC (the “Owner”), is requesting approval of the Village at Southgate Planned Unit Development (the “PUD”), to the City Council of the City of Brighton, as more specifically described in **Exhibit A (Legal Description)** and **Exhibit B (PUD)**, attached hereto and incorporated herein, and subject to specific conditions as set forth herein; and

WHEREAS, the proposed PUD contains approximately 79.811 acres and is proposed for commercial, open space and parks, multi-family residential, and single family detached residential land uses; and

WHEREAS, the Applicant is requesting a re-zoning of the Property from the existing PUD, titled Fuller Estates East PUD, to a new PUD, titled The Village at Southgate PUD; and

WHEREAS, the proposed PUD is in conformance with the City’s *Comprehensive Plan* and *South Sub-Area Plan*, which designates the Property for Mixed Use Residential; and

WHEREAS, the PUD is in compliance with the *Land Use and Development Code* in terms of the PUD requirements set forth in the City’s PUD zone district regulations, Residential Design Standards, and Commercial Design Standards; and

WHEREAS, the Planning Commission made a recommendation of approval with conditions of the Application by Resolution to the City Council after holding a public hearing on January 28, 2014; and

WHEREAS, the City Council conducted a public hearing on the PUD application on February 4, 2014 and thereupon confirmed that written Notice of such public hearing was properly published in the *Brighton Standard Blade* on January 8, 2014, and posted on the Property, and otherwise mailed and delivered to property owners within 300 feet of the Property, and meets the notification requirements of the *Land Use and Development Code*; and

WHEREAS, in accordance with the *Colorado Revised Statutes*, Section 24-65.5-101 *et. seq.*, requirements for notification to the mineral rights owners for the initial public hearing was determined to be “not applicable” as documentation was provided to the City that the property owner for the land surface rights and mineral rights are the same entity; and

WHEREAS, at the public hearing, the City Council properly received and considered all relevant evidence and testimony from City staff, the Applicant, and other Interested Parties, including the public at large; and

WHEREAS, the City Council finds and declares that the PUD follows the intent of the *Comprehensive Plan* and *South Sub-Area Plan* in providing for the future of the City; complies with the requirements of the City of Brighton *Land Use and Development Code*; provides consistency with the purpose and intent of these regulations; promotes compatibility with surrounding areas; is harmonious with the existing character of the neighborhood; and is not detrimental to the immediate area or its future development, or to the health, safety or welfare of the inhabitants of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO that the property, as described in **Exhibit A**, attached hereto, **is APPROVED with conditions as follows:**

Section 1. That the property, as described in Exhibit A, is hereby re-zoned to the Village at Southgate PUD, as shown in Exhibit B attached hereto, subject to the following conditions:.

(A) Sheet 6 of 11 provides suggested street tree plantings that may be problematic in narrow landscaped strips of six (6) feet or less. Specifically, the Indian Summer Crabapple, Spring Snow Crabapple, Thunderchild Crabapple, and the Cockspur Thornless Hawthorn shall not be used for areas having less than six (6) feet wide street tree landscaping areas and shall be replaced with American Linden, Kentucky Coffeetree, and Hackberry tree or other species that are acceptable to the Parks and Recreation Department.

(B) There are some existing trees within the commercial Planning Areas that may be preserved on the Property. The Applicant/Developer will cooperate with the City in future Final Plat landscaping plans and Final Development Plans to consider site designs that enable the preservation of the trees, if possible, as identified by the Parks and Recreation Department.

Section 2. That the Zoning Map of the City shall be amended to reflect said zone change.

***INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED
THIS 4TH DAY OF FEBRUARY, 2014.***

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq., City Attorney

Published in the *Standard Blade*

First Publication: February 12, 2014

***INTRODUCED, PASSED ON SECOND READING, AND ORDERED PUBLISHED
BY TITLE ONLY THIS ____ DAY OF _____, 2014.***

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Standard Blade*

Second Publication: _____

Exhibit A: Legal Description

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 1
TOWNSHIP 2 SOUTH RANGE 67 WEST, OF THE 6TH PRINCIPAL
MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, DESCRIBED AS FOLLOWS:

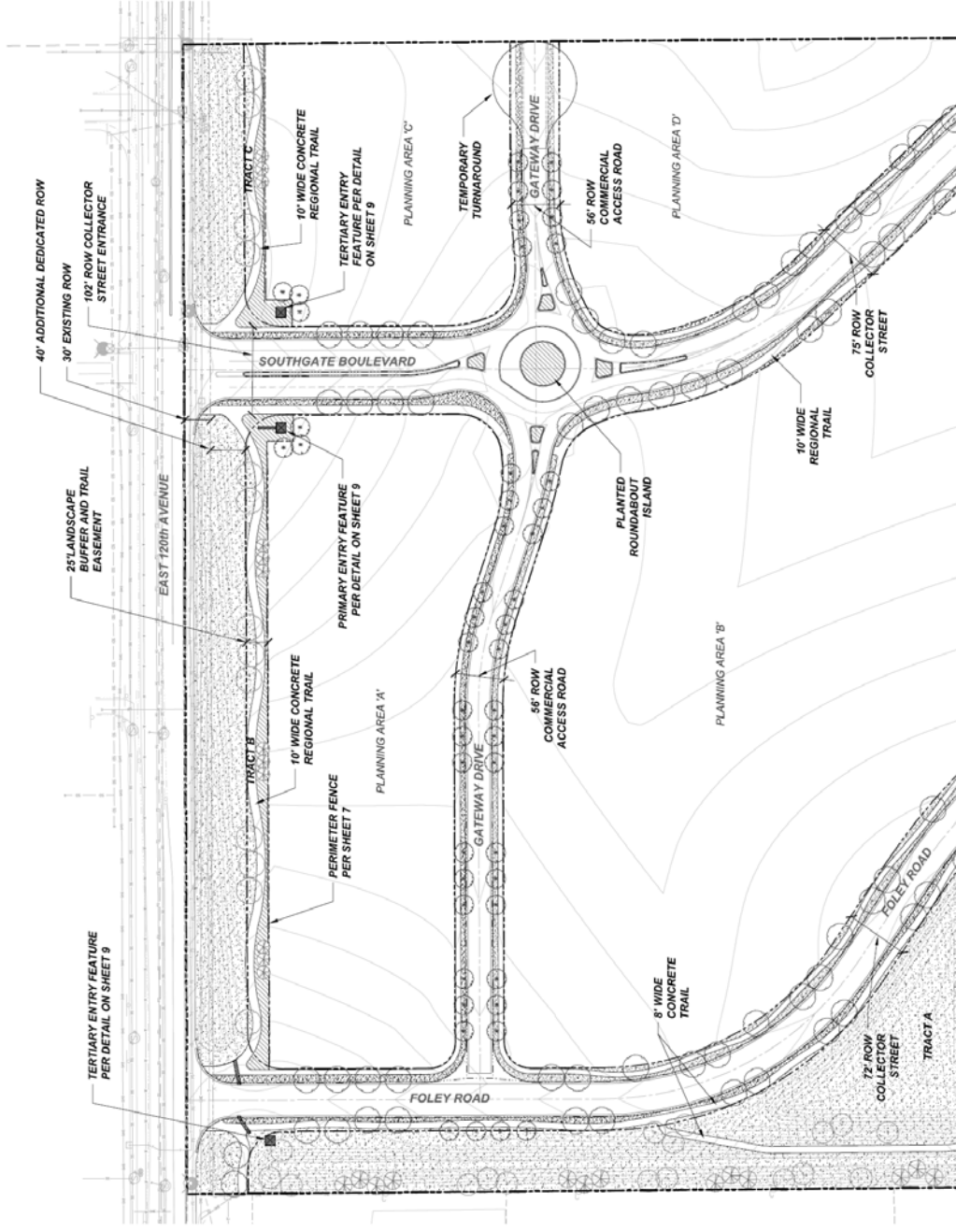
THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 1,
TOWNSHIP 2 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL
MERIDIAN, EXCEPT THE NORTH 30 FEET THEREOF ON A LINE
PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER,
BEING THE RIGHT OF WAY OF EAST 120TH AVENUE.

PARCEL CONTAINS 79.811 ACRES MORE OR LESS.

PLANNED UNIT DEVELOPMENT (PUD) PLAN
THE VILLAGE AT SOUTHGATE
 IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 3 OF 11
 SITE PLAN - AREA 1

SYMBOLS LEGEND:

- DECIDUOUS STREET TREES
 - ORNAMENTAL STREET TREES
 - DECIDUOUS OPEN SPACE TREES
 - EVERGREEN TREES
 - XERIC GRASS MIX (REFUGES ONLY)
 - SHRUB & PERENNIAL PLANTING BEDS
- *NOTE: PLANT SYMBOLS SHOWN FOR REFERENCE ONLY. SEE LANDSCAPE PLANS FOR DETAIL REGARDING SPECIFIC PLANTING CHOICES FOR OPEN SPACE TRACTS AND ROW.

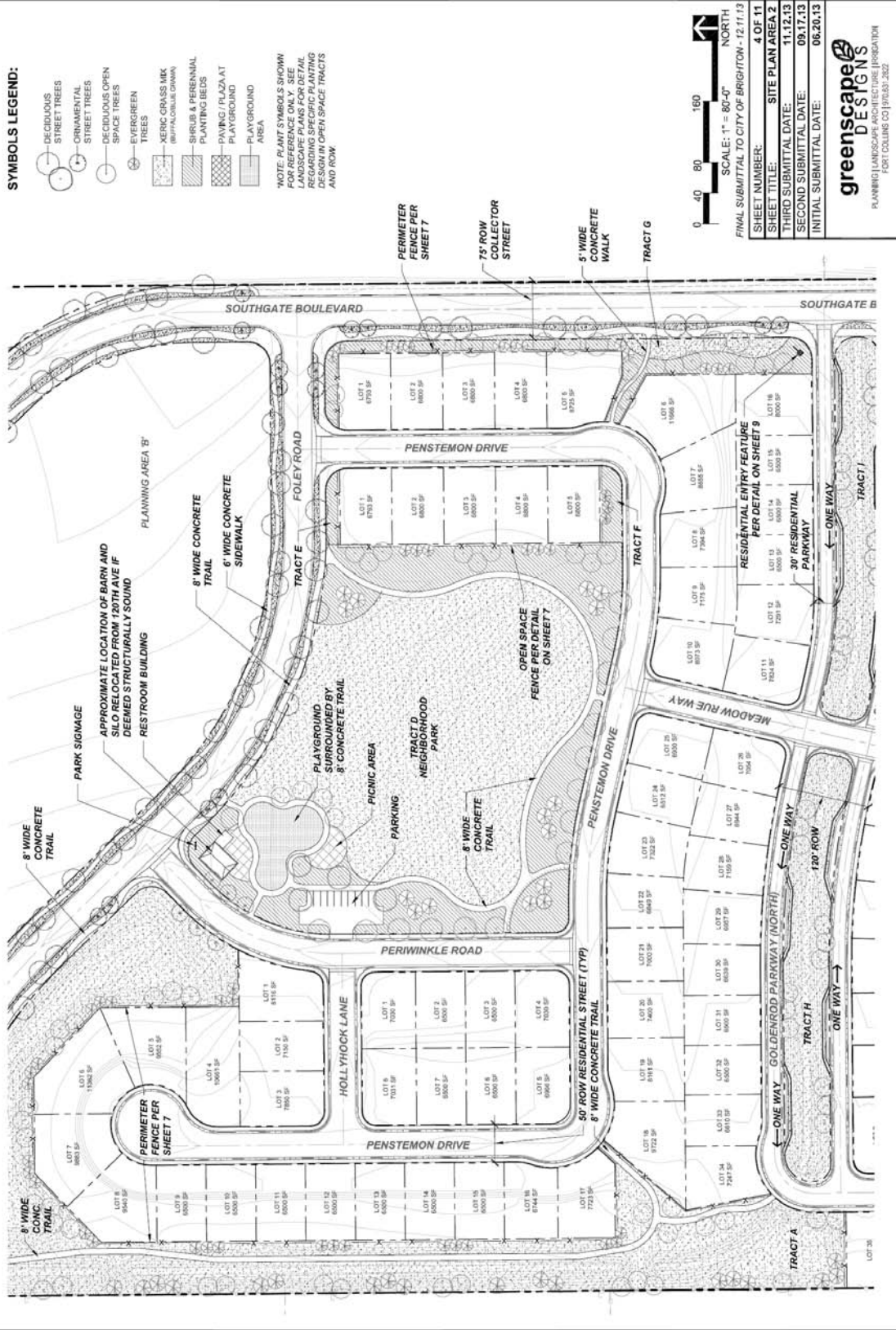


0 40 80 160
 SCALE: 1" = 80'-0"
 NORTH

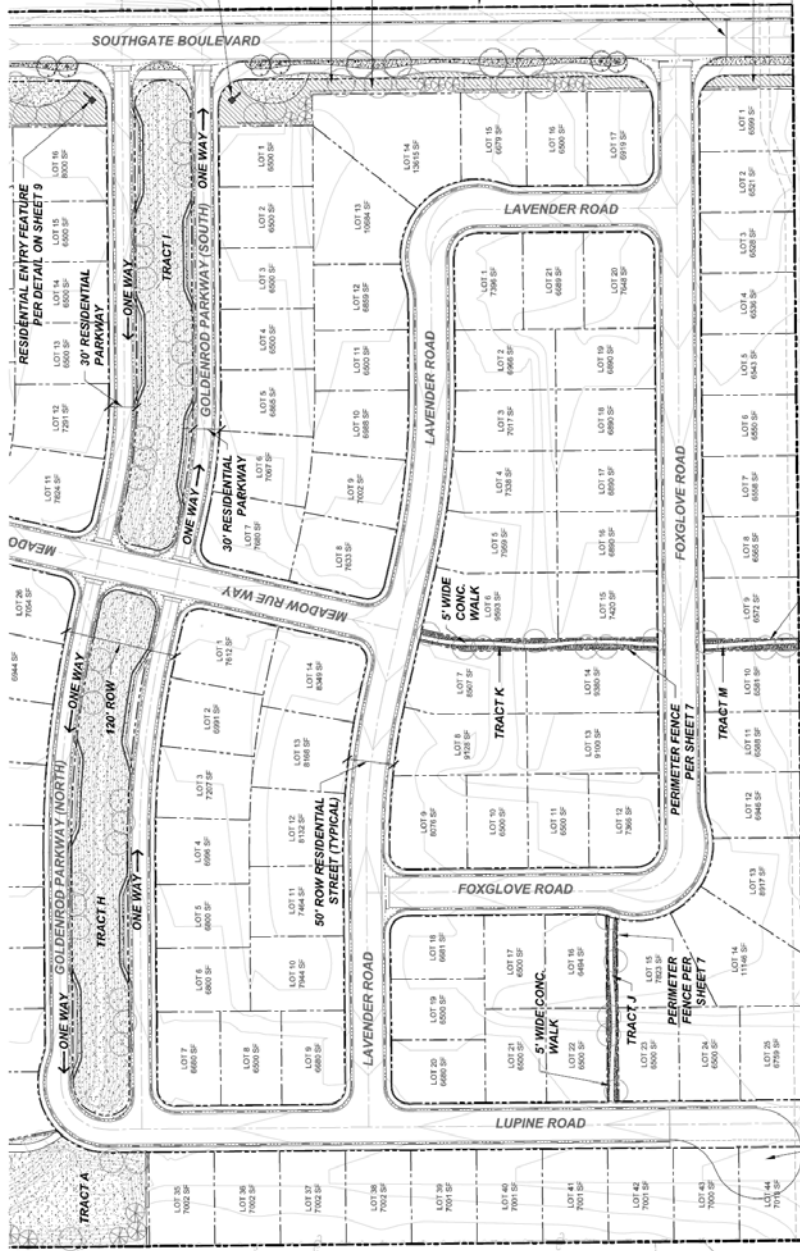
FINAL SUBMITTAL TO CITY OF BRIGHTON - 12.11.13
 SHEET NUMBER: 3 OF 11
 SHEET TITLE: SITE PLAN AREA 1
 THIRD SUBMITTAL DATE: 11.12.13
 SECOND SUBMITTAL DATE: 09.17.13
 INITIAL SUBMITTAL DATE: 06.20.13

greenscape
 DESIGNS
 PLANNING LANDSCAPE ARCHITECTURE | BRIGHTON
 FORT COLLINS CO | 970.837.2822

PLANNED UNIT DEVELOPMENT (PUD) PLAN
THE VILLAGE AT SOUTHGATE
 IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 4 OF 11
 SITE PLAN - AREA 2



IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 5 OF 11
SITE PLAN - AREA 3



GENERAL NOTES:

- ### GENERAL NOTES:
1. All improvements shown herein shall meet minimum regulations set forth by the City of Brighton Land Use Code regulations and the PUD standards contained by this document.
 2. Public utility easements, including installation of street trees, will be completed by the Developer.
 3. Ownership and maintenance of alleys and the park will be transferred to the City of Brighton per the approved Development Agreement.
 4. Ownership and maintenance of Open Space Tracts will be transferred to the Metro. District following completion.
 5. See Engineering drawings for more detailed information regarding grading and roadway layout.
 6. See Preliminary Plat for more detail on lot layout.

SYMBOLS LEGEND:

- DECIDUOUS STREET TREES
- ORNAMENTAL STREET TREES
- DECIDUOUS OPEN SPACE TREES
- EVERGREEN TREES
- XERIC GRASS MIX (BUFFALO GRASS)
- SHRUB & PERENNIAL PLANTING BEDS
- *NOTE: PLANT SYMBOLS SHOW FOR REFERENCE ONLY. SEE LANDSCAPE PLANS FOR DETAIL REGARDING SPECIFIC PLANTING DESIGN IN OPEN SPACE TRACTS AND ROW.

TEMPORARY TURNAROUND. LOTS 25, 43 & 44 MAY NOT BE CONSTRUCTED UNTIL DEVELOPMENT OR STREET CONNECTION TO THE SOUTH IS COMPLETE



SCALE: 1" = 80'-0"
NORTH

SHEET NUMBER: 5 OF 11

SHEET TITLE: SITE PLAN AREA 3

THIRD SUBMITTAL DATE:	11.12.13
SECOND SUBMITTAL DATE:	00.17.13

SECOND SUBMITTAL DATE:	05.17.13
INITIAL SUBMITTAL DATE:	06.20.13

greenscape[®]
DESIGNS

PLANNING | LANDSCAPE ARCHITECTURE | IRRIGATION
FORT COLLINS CO | 970.631.2822

SHEET 6 OF 11
DESIGN STANDARDS

1.0 STATEMENT OF INTENT

This Village at Southgate, located south of E. 120th Ave between Placemar and Pearl Streets is envisioned as a mixed use development providing a diversity of retail and commercial uses with both high and medium density residential housing types, complemented by a system of trails and dedicated on-street neighborhood parks. The following Village uses are intended to be consistent with the City of Brighton's Comprehensive Land Use Plan and the Village's own Comprehensive Land Use Plan. The Village is committed to the City of Brighton and future development of the Village being a sustainable development with a sense of community.

If requirements conflict between City of Brighton regulations and the PLU, the more restrictive one shall apply.

2.0 REVIEW PROCESS

3.0 PERMITTED USES

Unless specifically noted as a prohibited use in the PUD, permitted uses other than those listed below may be allowed as listed under the Commercial Office (C-O) zone district for commercial parcels, Single Family Residential (R-1) zone district for SFD parcels or Multi-Family Residential (MF) zone district for multi-family parcels as indicated in the most current Table of Uses in the City of Brighton Land Use and Development Code, Section 17-32.

7. Restaurant (lunch-dinner, drive-thru, take-out).
 8. Tavern, Alcohol Store (outside of 500' walking distance from school boundary).
 9. Auto Auction and Supply, Auto Repair Shop, Car Wash.
 10. Hair Salon, Hair Stylist, Hair Dresser, Hair Care Shop.
 11. Retail, Home and Garden, Hardware and Supply.
 12. Bank, Drive Through and Financials loan Company.
 13. Dry Cleaning, Laundry.
 14. Print Shop.
 15. Child Care Center.
 16. Retail and TV (broadcasting Station).
 17. Retail and TV (cable channel, Home Box Office, E & F).
 18. Single Family, Detached.
 19. Multi-Family, Attached (in the Multi-Family Parcel only).
 20. Multi-Family, Attached (in the Multi-Family Parcel only).
- C. Prohibited Land Use for All Planning Areas**
1. No outside storage (allowed on an lot).

4.0 COMMERCIAL SITE DESIGN STANDARDS FOR MU-C & MU-R

At least one City of Eugene Commercial design standard at a minimum.

1. Site plan must show site consideration including grades as well as off-site building elevation.
2. Development will include pedestrian courtyards or common gathering spaces to encourage pedestrian movement throughout the site.
3. Architecture shall be developed that creates a sense of an overall unified development (see architectural examples on sheet #3 of this PAD document).

- ## 5.0 RESIDENTIAL SITE DESIGN STANDARDS FOR MU-R & SFD

- B. Multi-family Residential
 1. Multi-family buildings within a development are encouraged to be enclosed or frame common areas which may include gardens, courtyards, recreation and play areas. Such common areas should contain at least one of the following:
 - a. Seasonal planting areas
 - b. Water features
 - c. Natural environmental features
 - d. Gardens or other decorative structures
 - e. Other amenity uses
 2. Seeding areas
 3. Maximum Building Height – all buildings shall be limited to a maximum of 70% of the proposed units.
 4. Covered parking or garages shall be provided for a minimum of 90% of the proposed units.
 5. Visitor parking is required in close proximity to each of the proposed buildings.
 6. The proposed development shall be designed to be visually integrated with the surrounding neighborhood.
 7. A sign down and walk from three-story to two-story building height.
 8. Provide a minimum of 10% of the total units to be three-story or less.
 9. Provide a minimum of 10% of the total units to be four-story or less.
 10. Provide a minimum of 10% of the total units to be five-story or less.
 11. Provide a minimum of 10% of the total units to be six-story or less.
 12. Provide a minimum of 10% of the total units to be seven-story or less.
 13. Provide a minimum of 10% of the total units to be eight-story or less.
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 116. Provide a minimum of 10% of the total units to be one hundred-eleven-story or less.
 117. Provide a minimum of 10% of the total units to be one hundred-twelve-story or less.
 118. Provide a minimum of 10% of the total units to be one hundred-thirteen-story or less.
 119. Provide a minimum of 10% of the total units to be one hundred-fourteen-story or less.
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 143. Provide a minimum of 10% of the total units to be one hundred-thirty-eight-story or less.
 144. Provide a minimum of 10% of the total units to be one hundred-thirty-nine-story or less.
 145. Provide a minimum of 10% of the total units to be one hundred-forty-story or less.
<

FINAL SUBMITTAL TO CITY OF BRIGHTON - 12.11.13

SHEET NUMBER:	6 OF 11
SHEET TITLE:	DESIGN STANDARDS
THIRD SUBMITTAL DATE:	11.12.13
SECOND SUBMITTAL DATE:	09.17.13
INITIAL SUBMITTAL DATE:	06.20.13



FORT COLLINS CO | 970.631.2822

6.0 OPEN SPACE REQUIREMENTS

A. Improvements planned for the Open Space Areas herein include: drainage, detention, pedestrian trail connections, and landscaped buffers per the conceptual landscape plans enclosed with all trail improvements installed by the Developer.

B. All Land Use Dedications shall be met according to the City of Brighton Residential Design Standards and the City of Brighton Open Space and Development Code.

C. All Open Space Areas shall be owned and maintained by the Metro District.

D. The Neighborhood Park will be dedicated to the City of Brighton at the time set forth by the approved development agreement. The Metro District will maintain the Park in the interim.

7.0 LANDSCAPE REQUIREMENTS

1. Developer shall install all street trees and ground plane improvements as part of the public improvements of the site.
- D. Parking Lot Requirement for Commercial and Multi-Family Projects
 1. Trees and shrubs shall be used to screen headlights in front of all parking spaces.
 2. A minimum of one canopy tree shall be provided per parking lot space.
 3. All trees shall be at least 12" in diameter at breast height (DBH) and 6' above finished grade.
 4. A minimum of one shrub shall be provided per parking lot space.
- E. Minimum Plant Specs (follow residential and commercial design standards)

1. Perennials, groundcover and vines = 1 gallon min.
2. Shrubs = 5 gallon min.

- A. All open spaces areas not planted with exotic ornamental plant material and enough tolerant grasses mix, Buffalo Grass and Blue Grass or approved equivalent.
- B. All areas planted in shrubs, ornamental grasses and perennials shall be maintained in accordance with the approved landscape plan.
- C. All areas planted with mulch or rock cobble.
- D. Site furnishings:
 1. All site furnishings, low vegetation, low grasses, table racks, bollards, and other site furniture shall be consistent with the approved landscape plan.
 2. The overall architectural and design theme.
- E. Boreholes shall be installed at a rate of 1 borehole per 30,000 square feet of site area.
- F. Minimum of one bench and one trash receptacle per building.
- G. All site furnishings shall be consistent throughout the development.
- H. Residential Use Enhancements:
 1. The front yard of each Single Family lot.
 2. The front yard of each Townhome lot.
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- I. Species shall be placed between 10 feet and 15 ft of the back of walk.
- J. Species shall be placed between 10 feet and 15 ft of the back of walk.

7.1 SUGGESTED READING

- Hawthorn, Cockspur Thornless / *Crataegus cuneata* (new)
 Honeylocust, Inopeltis / *Gleditsia triacanthos* (new) 'Inopeltis'
 Honeylocust, Spiny / *Gleditsia triacanthos* (new) 'Spiny'
 Honeylocust, Spiny / *Gleditsia triacanthos* (new) 'Spiny'
 Maple, Hairy / *Acer glaberrimum* 'Red Wings'
 Oak, Bark / *Quercus macrocarpa*
 Pear, Autumn Blaze / *Eryodonta* / *Pyrus calleryana* 'Autumn Blaze'
 Oak, Bark / *Quercus macrocarpa*
 Pear, Autumn Blaze / *Eryodonta* / *Pyrus calleryana* 'Autumn Blaze'
- DECIDUOUS TREES FOR OPEN SPACE AREAS***
 Bigtooth Maple / *Acer grandidentatum*
 Callowood, Landolt's / *Populus alba* (new)
 Kentucky Coffeetree / *Gymnocladus dioica*
 Ohio Buckeye / *Aesculus glabra*
 Ohio Buckeye / *Aesculus glabra*

PERENNIALS

are often selected for their ability to grow from

- ORNAMENTAL GRASSES**
Blue Arena Grass / *Helictotrichon sempervirens*
Maiden Grass, Morning Light / *Miscanthus sinensis Morning Light*

Waldspurger, G. 1980. *Parus carolinensis*. *Parus carolinensis*. *Parus carolinensis*.

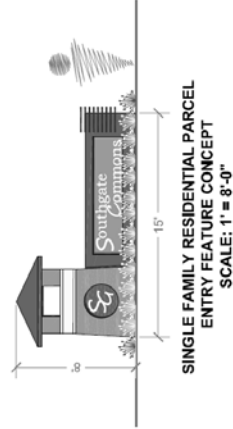
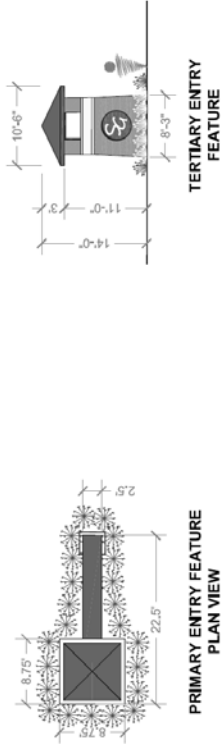
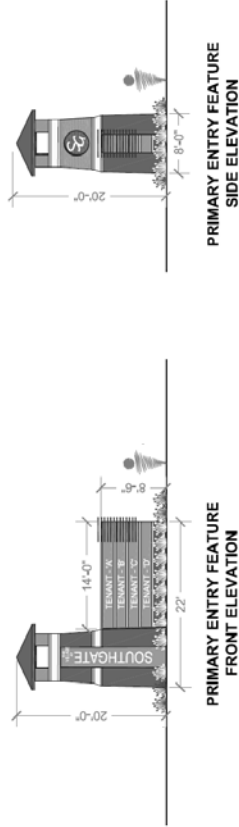
SHEET 7 OF 11
DESIGN STANDARDS

greenscape
DESIGNS

PLANNING | LANDSCAPE ARCHITECTURE | IRRIGATION
FORT COLLINS, CO 970.631.2822

PLANNED UNIT DEVELOPMENT (PUD) PLAN
THE VILLAGE AT SOUTHGATE
IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 9 OF 11
ENTRY FEATURE CONCEPT

- GENERAL NOTES:**
1. Entry features are materials and character to complement proposed commercial architecture.
 2. Primarily comprised of earth stucco in warm gray and brown colors.
 3. See Site Plan for Entry Feature locations.
 4. Features and all associated signage shall meet all applicable City of Brighton and Colorado requirements.
 5. Entry features will be constructed by the Developer and maintained by the Metro District.
 6. Designs shown herein are conceptual. In nature and will require City of Brighton sign permit approval prior to construction.



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SCALE: 1" = 10'-0"

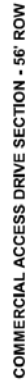
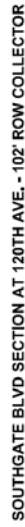
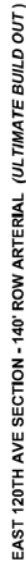
NORTH

FINAL SUBMITTAL TO CITY OF BRIGHTON - 12.11.13

SHEET NUMBER:	9 OF 11
SHEET TITLE:	ENTRY FEATURE CONCEPT
THIRD SUBMITTAL DATE:	11.12.13
SECOND SUBMITTAL DATE:	09.17.13
INITIAL SUBMITTAL DATE:	06.20.13

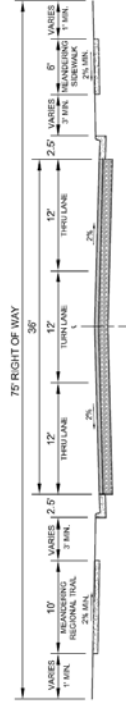
greenscape
DESIGNS
PLANNING | LANDSCAPE ARCHITECTURE | IRRIGATION
FORT COLLINS CO | 970.837.2822

**NOTE: STREET SECTIONS SHOWN FOR REFERENCE ONLY
SEE ENGINEERING PLANS FOR MORE DETAIL**

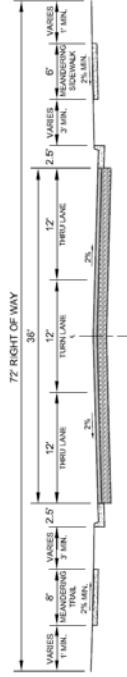


PLANNED UNIT DEVELOPMENT (PUD) PLAN
THE VILLAGE AT SOUTHGATE
 IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 11 OF 11
 TYPICAL STREET SECTIONS

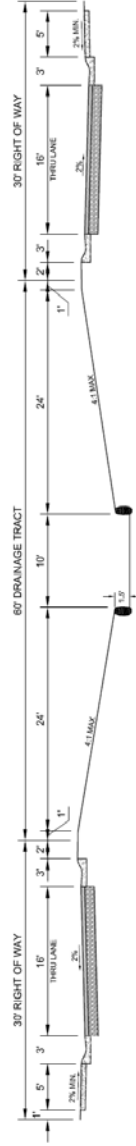
NOTE: STREET SECTIONS SHOWN FOR REFERENCE ONLY
 SEE ENGINEERING PLANS FOR MORE DETAIL



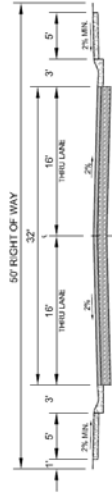
COLLECTOR STREET SECTION - 75' ROW (SOUTHGATE BLVD.)



COLLECTOR STREET SECTION - 72' ROW (FOLEY ROAD)



RESIDENTIAL PARKWAY SECTION - 30' ROW EACH SIDE OF STREET (ONE WAY STREETS)



RESIDENTIAL STREET SECTION - 50' ROW

**AGENDA MEMORANDUM
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

TO THE PLANNING COMMISSION MEMBERS:

Date Prepared: January 9, 2014

Date of Hearing: January 28, 2014

Prepared by: Hazel Leem, Associate Planner

Reviewed by: Jason Bradford, AICP, Planning Manager

Subject: Development Proposal for the Village at Southgate

Request: Conduct a public hearing to review and consider the proposed Overall Development Plan, Planned Unit Development, and Preliminary Plat.

APPLICATION SUMMARY:

Applicant: Lorax Construction

Owner: PFG Acquisitions, LLC

Location: Generally, south of 120th Ave. and between Potomac St. and the alignment for Tucson St.

Site Size: Approximately 79.811 acres

Existing Zone District: Fuller Estates East PUD

Existing Land Uses: Uses allowed with the underlying zoning for the existing PUD include Mixed Use Residential Office, Mixed Use Residential Commercial,, and Single Family Residential.

Proposed Zone District: PUD for The Village at Southgate

Proposed Land Uses: Single family detached residential, future multi-family residential, commercial, parks, and open space.

Surrounding Zones - Use: **North:** PL (Public Land) – Prairie View Middle and High School
South: Fuller Estates Central PUD (Single Family Residential) – Vacant Land
East: Fuller Estates III PUD (Mixed Use Residential Office, Mixed Use Commercial, Mixed Use Office, and Single Family Residential) – Vacant Land
West: Fuller Estates East PUD (Single Family Residential and Mixed Use Commercial) – Single Family Residential

Comprehensive Plan: Mixed Use Residential (specified in the *South Sub-Area Plan*)

INTRODUCTION:

The Overall Development Plan (ODP) and Planned Unit Development (PUD) are plans for review and recommendation by the Planning Commission to City Council. The preliminary plat application is for review and approval by the Planning Commission. The approximate eighty (80) acre property is proposed for predominately residential development, where Planning Area A and C are designated for commercial development, Planning Area B and D can be developed either for commercial or multi-family residential development (up to 300 units), and Planning Area E is designated for a total of 150 lots for single family detached residential development. The proposed land uses are consistent with the Mixed Use Residential designation in the *South Sub-Area Plan*, which supplements the *Comprehensive Plan*.

BACKGROUND:

The Property was annexed by James Foley and Mary Ann McLaughlin and zoned as a portion of the Fuller Estates East PUD on August 2, 1988. The land has remained vacant since annexation and zoning for the Property and no platting applications have been approved previously. The Property is located south of 120th Avenue, east of Fuller Estates III PUD, west of vacant land that is a part of the Fuller East PUD, and north of I-76 and vacant land (Fuller Estates Central PUD). The Applicant initially submitted the ODP application on April 16, 2013 and the PUD and preliminary plat applications were submitted subsequently thereafter on July 2, 2013.

LAND USE AND DEVELOPMENT CODE:

I. Overall Development Plan

A) Section 17-44-340 details requirements for when an Overall Development Plan is needed in the *Land Use and Development Code*, Residential Design Standards. The Village at Southgate falls under the applicability for submission of an ODP due to the first and second criterions provided below:

1. Any residential development containing more than two hundred fifty (250) dwelling units;
2. Any residential development on tracts of land seventy-five (75) acres or larger.

B) Section 17-44-340(d)3 outlines the review criteria for ODPs: The Planning Commission and City Council shall review an ODP and shall either favorably recommend or discourage further development of the ODP as presented by the applicant, based on its compliance with the following criteria:

1. The ODP is consistent with the *Comprehensive Plan* and with all other duly adopted plans and policies;
2. The ODP complies with all applicable zoning district, development and subdivision regulations; and
3. The ODP complies with these Residential Design Standards.

C) Required ODP Elements (Section 17-44-340.e). Each ODP shall contain the following elements unless the Director determines that one (1) or more of the elements are unnecessary because all planning issues concerning the internal organization of the development and the relationship of the development to surrounding areas can be resolved through either subsequent subdivision or design review for the development.

(1) *Land Analysis Element* that identifies:

- a. Natural or manmade features and amenities such as streams, irrigation ditches, significant views, stands of mature trees, historic or archeological sites or areas,

agricultural outbuildings and actual and potential wildlife habitat (as identified by the Colorado Division of Wildlife);

b. Hazards, including airport influence areas;

c. Existing or planned street and road system located adjacent to the subject property;

d. Land uses, existing or approved by the City, located within one-half (½) mile of the boundaries of the subject property;

e. The proposed development's relationship with and connections to surrounding lands and land uses (existing or approved);

f. Any nonresidential areas within the development; and 17-44-59

g. Any natural or manmade features used to divide the property into individual neighborhoods and development areas.

(2) *Location and Provision of Neighborhood Features* that will serve as focal points for the community and identification of any design themes for the proposed Neighborhood Feature, such as common architectural themes, landscaping themes, general materials and general styles.

(3) *General Organization of Land Uses and Densities*, including the placement of Neighborhood Features and activity centers. An ODP may include identification of general locations of conditional uses if the applicant chooses, but approval of an ODP shall not constitute approval of specific conditional uses.

(4) *General Auto, Pedestrian Circulation and Trails Network* that complies with these Residential Design Standards, the Subdivision Regulations, as amended, and applicable City road standards and specifications.

(5) *General Park and Open Space Network* that complies with these design standards, the Subdivision Regulations, as amended, and the Parks and Recreation Master Plan.

(6) *Conceptual Drainage Plan*. Planning level of detail is required, but no engineering details or analysis are required.

(7) *Adequate Public Facilities Element* that identifies adequate proposed school sites and school capacity, adequate public safety facilities, other public facilities and general utility system design and phasing.

II. Planned Unit Development

A) Section 17-8-80.5, *Criteria for Rezoning*, specifies four (4) criteria to be used in determining a request for rezoning. The criteria are as follows:

1) Complies with the *Comprehensive Plan* and other master plans of the City; and

2) Complies with the requirements of the *Land Use and Development Code*, and with the zone district; and

3) Provides consistency with the purpose and intent of the *Land Use and Development Code*; and

4) Provides compatibility with surrounding areas, is harmonious with the character of the neighborhood, and is not detrimental to the immediate area, the future development of the area, or the health, safety, or welfare of the inhabitants of the City.

B) Section 17-16-110.d.12.b, *Amending an Approved PUD Plan*, the proposed new PUD falls under the sub-section that, "Alterations to a PUD plan exceeding the limits established above (items noted under Section 17-16-110.d.12.b) or any change in the category of use shall be reviewed by the Planning Commission and City Council according to the completed PUD plan review procedure."

III. Preliminary Plat

Section 17-40-200, found within the Subdivision Regulations of the City's *Code* describes the preliminary plat submittal requirements and process.

COMPREHENSIVE PLAN:

The *South Sub-Area Plan* provides a designation of "Mixed Use Residential" for the Property. Mixed Use Residential allows for employment and retail uses with a strong emphasis on residential development. Significant pedestrian linkages and connections to mass transit are encouraged. The *South Sub-Area Plan* indicates that Mixed Use Residential designated areas are appropriate for Planned Unit Developments when processed for Land Use Applications, which is the proposed zoning for the subject Property. Residential development for Mixed Use Residential is allowed to be planned for up to 80% of the site with supporting retail and office development to be at 20%. The *Comprehensive Plan* in Figure 5: Planning Areas, shows the Property as being within the "120th Avenue Area" where integrated residential development with commercial development is indicated as the primary objective for land use(s).

DRC REVIEW:

The ODP, PUD, and preliminary plat applications have been reviewed by the Development Review Committee (DRC) and the applicable external referral agencies. The Applicant has revised the plans and documents accordingly to address the DRC's comments or conditions to be addressed are noted in the draft resolutions.

ANALYSIS:

I. Overall Development Plan

Staff finds that the Overall Development Plan complies with Section 17-44-340(d)3 and provides the applicable ODP elements noted in Section 17-44-340.e of the *Code*. All applicable land analysis elements are shown on the ODP and general organization of land uses/densities, circulation, parks and open space, and drainage is provided. The Property proposes a neighborhood park to be a focal element for the ODP to meet the "neighborhood feature" element. No public facilities (i.e., schools, public safety facilities) have been determined to be necessary for the site. Existing schools facilities for a middle and high school are located directly to the north of the Property. Therefore, staff recommends favorable review of the ODP as drafted in the attached resolution.

II. Planned Unit Development

The *Land Use and Development Code, Criteria for Rezoning*, specifies four (4) criteria to be used in considering a request for rezoning:

1. Complies with the *Comprehensive Plan* and other master plans of the City.

See details provided in the *Comprehensive Plan* section above. The proposed development is consistent with the objectives and land uses designated for the Property.

2. Complies with the requirements of the *Land Use and Development Code* and with the zone district.

The PUD provides the requirements found in PUD zone district requirements as specified in Section 17-16-110 of the *Code*, specifically Section 17-16-110.4.c for PUD Development Standards, Section 17-16-110.d.4 Approval Criteria for PUDs, and Section 17-16-110.d.13 for PUD Submittal Requirements.

3. Provides consistency with the purpose and intent of the *Land Use and Development*

Code.

The PUD meets the purpose and intent of the *Land Use and Development Code* for the PUD zone district. The PUD provides flexibility for the integration of land uses to meet market demands for certain Planning Areas and also elevates design elements to be above standard development requirements. PUDs typically provide a higher level of organization for site layout, which in turn produces a more cohesive site while following the parameters outlined in the *Code*.

- 4. Provides compatibility with surrounding areas, is harmonious with the character of the neighborhood, and is not detrimental to the immediate area, the future development of the area, or the health, safety, or welfare of the inhabitants of the City.**

The proposed PUD is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area or the health, safety, or welfare of the citizens of Brighton. The proposed PUD is consistent with the requirements outlined for a PUD district, the *Code*, and the *Comprehensive Plan* and *South Sub-Area Plan* as detailed above.

III. Preliminary Plat

Subdivisions classified as a “major subdivision” require a vicinity sketch plan, preliminary plat, and final subdivision plat to be submitted to the City, per the *Code*. No action is required for the vicinity sketch plan by the Planning Commission or City Council; the sketch plat requirement was met with the Applicant’s submission of a pre-application plan for the Property. The preliminary plat (see attached) is in conformance with the City’s *Land Use and Development Code* as noted in Section 17-40-200. Upon approval of the preliminary plat, the Property will need to receive approval of a final plat application to complete the platting process and requires approval of the final plat by City Council. Staff finds that the preliminary plat application complies with the Subdivision Regulations found in Section 17-40-210 of the *Code* and staff recommends approval of the preliminary plat.

PUBLIC COMMENT:

An Overall Development Plan is conceptual in nature and does not establish any vested development rights. As such, public notices are not required for Planning Commission or City Council meetings. The favorable recommendation of an ODP indicates that aspects of the proposed ODP are generally acceptable to the City and that applications may be submitted for zoning and platting, as applicable.

Notice of the Planning Commission public hearing for zoning (i.e., PUD) was posted on the Property, and mailed to property owners within three hundred feet (300’) of the Property, and published in the *Brighton Standard Blade* on January 8, 2014. City staff, as a courtesy, provided notification to property owners within 300’ and in the newspaper publication notice for the ODP and preliminary plat (Notification requirements for preliminary plats is a five (5) day notice to adjacent property owners.) applications in conjunction with the required notification requirements for zoning. One email has been received as a public comment item to date. Please see the attached comment and City staff’s response. Three phone inquiries have been received for general information on the project.

Also, in accordance with the Colorado Revised Statutes, Section 24-65.5-101 et. seq., requirements for notification to the mineral rights owners for the initial public hearing was determined to be “not applicable” as documentation was provided to the City that the property owner for the land surface rights and mineral rights are the same entity.

FINDINGS:

Staff finds the proposed Overall Development Plan, Planned Unit Development, and preliminary plat applications to be substantially in compliance with the *Comprehensive Plan*, *South Sub-Area Plan*, other City-approved master plans, and the *Land Use and Development Code* in each application's respective requirements outlined above in the Land Use and Development Code and Analysis sections contained in this memorandum. Staff finds the proposed applications to be compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area or the health, safety, or welfare of the citizens of Brighton. Based upon these analysis and findings, staff has prepared draft resolutions recommending approval of the Overall Development Plan and Planned Unit Development to the City Council and a draft resolution for approval of the preliminary plat request.

ATTACHMENTS:

- Planning Commission Resolution (draft for recommendation of the ODP and PUD)
- Planning Commission Resolution (draft for approval of the preliminary plat)
- Public Comment/City Response
- ODP Plan (18"x 24")
- PUD Plan (18"x 24")
- Preliminary Plat (18"x 24")

PLANNING COMMISSION RESOLUTION
VILLAGE AT SOUTHGATE
OVERALL DEVELOPMENT PLAN AND PLANNED UNIT DEVELOPMENT

RESOLUTION NO.: _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRIGHTON, FAVORABLY RECOMMENDING THE VILLAGE AT SOUTHGATE OVERALL DEVELOPMENT PLAN (ODP) AND RECOMMENDING APPROVAL OF THE VILLAGE AT SOUTHGATE PLANNED UNIT DEVELOPMENT (PUD), TO THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SUBJECT TO SPECIFIC CONDITIONS AS SET FORTH HEREIN.

WHEREAS, the Applicant, Lorax Construction (the “Applicant”) represented by Mr. Fred Cooke, on behalf of the property owner, PFG Acquisitions, LLC (the “Owner”), is requesting a favorable recommendation of the Village at Southgate Overall Development Plan (the “ODP”) and recommendation of approval of the Village at Southgate Planned Unit Development (the “PUD”), to the City Council of the City of Brighton, as more specifically described in **Exhibit A (Legal Description)** and **Exhibit B (ODP)** and **Exhibit C (PUD)**, attached hereto and incorporated herein, and subject to specific conditions as set forth herein; and

WHEREAS, the proposed ODP and PUD contains approximately 79.811 acres and is proposed for commercial, open space and parks, multi-family residential, and single family detached residential land uses; and

WHEREAS, the proposed ODP and PUD are in general conformance with the City’s *Comprehensive Plan* and *South Sub-Area Plan*, which designates the Property for Mixed Use Residential; and

WHEREAS, the ODP is in compliance with the *Land Use and Development Code* in terms of the ODP requirements set forth in the City’s Residential Design Standards; and

WHEREAS, the PUD is in compliance with the *Land Use and Development Code* in terms of the PUD requirements set forth in the City’s PUD zone district regulations, Residential Design Standards, and Commercial Design Standards; and

WHEREAS, the Planning Commission conducted a public hearing on the ODP and PUD applications on January 28, 2014 and thereupon confirmed that written Notice of such public hearing was properly published in the *Brighton Standard Blade* on January 8, 2014, and posted on the Property, and otherwise mailed and delivered to property owners within 300 feet of the Property, and meets the notification requirements of the *Land Use and Development Code*; and

WHEREAS, in accordance with the Colorado Revised Statutes, Section 24-65.5-101 et. seq., requirements for notification to the mineral rights owners for the initial public hearing was

determined to be “not applicable” as documentation was provided to the City that the property owner for the land surface rights and mineral rights are the same entity; and

WHEREAS, at the public hearing, the Planning Commission properly received and considered all relevant evidence and testimony from City staff, the Applicant, and other Interested Parties, including the public at large; and

WHEREAS, the Planning Commission of the City of Brighton has reviewed the Village at Southgate ODP and Village at Southgate PUD, and finds and declares that the ODP and PUD are generally compatible with the surrounding area and will not be detrimental to the future development of the area or the health, safety, or welfare of the inhabitants of the City of Brighton.

NOW THEREFORE, BE IT RESOLVED that the City of Brighton Planning Commission is hereby favorably recommending the Village at Southgate ODP and recommends approval of the Village at Southgate PUD, as more specifically described in **Exhibits A-C**, attached hereto and incorporated herein, to the City Council of the City of Brighton, subject to the following specific conditions:

Section 1. Effect of Favorable ODP Review: The Owner(s) and/or successor(s) acknowledge that the Residential Design Standards, Section 17-44-340.d.4 does not establish per se vested development rights for the Village at Southgate ODP. The Owner(s) and/or successor(s) further acknowledge that an ODP is conceptual in nature only and that a favorable recommendation only indicates that the aspects of the proposed ODP are generally acceptable and that future applications may be submitted for platting and/or re-zoning and are to be consistent with the ODP.

Section 2. Conditions for PUD Approval: The Owner(s) and/or successor(s) acknowledge that the Village at Southgate PUD is recommended for approval with the following conditions:

(A) Sheet 6 of 11 provides suggested street tree plantings that may be problematic in narrow landscaped strips of six (6) or less. Specifically, the Indian Summer Crabapple, Spring Snow Crabapple, Thunderchild Crabapple, and the Cockspur Thornless Hawthorn will not be used for areas having less than six (6) feet wide street tree landscaping area and shall be replaced with American Linden, Kentucky Coffeetree, and Hackberry tree or other species that are acceptable to the Parks and Recreation Department.

(B) There are some existing trees within the commercial Planning Areas that may be preserved on the property. The Applicant/Developer will cooperate with the City in future Final Plat landscaping plans and Final Development Plans to consider site designs that enable the preservation of the trees, if possible, as identified by the Parks and Recreation Department.

***RESOLVED*, this 28th day of January, 2014.**

**CITY OF BRIGHTON, COLORADO
PLANNING COMMISSION**

Dick Hodge, Chairperson

ATTEST:

Diane Phin, Secretary

PLANNING COMMISSION RESOLUTION
VILLAGE AT SOUTHGATE
PRELIMINARY PLAT

RESOLUTION NO.: _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRIGHTON, APPROVING THE PRELIMINARY PLAT FOR AN APPROXIMATELY 79.811 ACRE PROPERTY, GENERALLY LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, COMMONLY KNOWN AS THE VILLAGE AT SOUTHGATE PROPERTY, SUBJECT TO SPECIFIC CONDITION AS SET FORTH HEREIN.

WHEREAS, the Applicant, Lorax Construction (the “Applicant”) represented by Mr. Fred Cooke, on behalf of the property owner, PFG Acquisitions, LLC (the “Owner”), is requesting a approval of the Village at Southgate Preliminary Plat (the “Preliminary Plat”), more specifically described in **Exhibit A (Legal Description)** and **Exhibit B (Preliminary Plat)**, attached hereto and incorporated herein (the “Property”), and subject to specific conditions as set forth herein; and

WHEREAS, the Preliminary Plat contains approximately 79.811 acres and is proposed for commercial, open space and parks, multi-family residential, and single family detached residential land uses; and

WHEREAS, the Property was annexed to the City of Brighton (the “City”) and zoned as PUD (Planned Unit Development) on August 2, 1988; and

WHEREAS, the Applicant submitted a concurrent application with the Preliminary Plat on July 2, 2013 to establish a new Planned Unit Development for the Property, titled the Village at Southgate PUD; and

WHEREAS, the Planning Commission of the City of Brighton finds and declares that a Notice of Public Hearing was mailed to adjacent property owners, for no less than five (5) days prior to the date of the Planning Commission public hearing, pursuant to the *Land Use and Development Code*; and

WHEREAS, the Planning Commission of the City of Brighton finds and declares that, although not required by the *Land Use and Development Code*, a Notice of Public Hearing was published in the *Brighton Standard Blade* on January 8, 2014, for no less than fifteen (15) days before the date of the Planning Commission public hearing in conjunction with the requirements for the concurrent PUD application; and

WHEREAS, in accordance with the Colorado Revised Statutes, Section 24-65.5-101 et. seq., requirements for notification to the mineral rights owners for the initial public hearing was

determined to be “not applicable” as documentation was provided to the City that the property owner for the land surface rights and mineral rights are the same entity; and

WHEREAS, at the public hearing, the Planning Commission properly received and considered all relevant evidence and testimony from City staff, the Applicant, and other Interested Parties, including the public at large; and

WHEREAS, the Planning Commission of the City of Brighton has reviewed the Village at Southgate Preliminary Plat, and finds and declares that the Preliminary Plat does comply with the requirements of the Preliminary Plat procedures and regulations found in Section 17-40-200 of the Subdivision Regulations of the *Land Use and Development Code*, provides consistency with the purpose and intent of the regulations, and is generally compatible with the surrounding area and will not be detrimental to the future development of the area or the health, safety, or welfare of the inhabitants of the City of Brighton.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Brighton, Colorado, does hereby APPROVE the Preliminary Plat, attached hereto as EXHIBIT B, and more particularly described in **EXHIBIT A**, attached hereto, with the following condition:

Section 1. Preliminary Plat condition: The Village at Southgate Preliminary Plat shall provide a six (6) foot utility easement for Tract G in between Lot 5 & Lot 6 for a “connector” easement on Sheet 3 of 4 of the Preliminary Plat as requested in a letter dated November 24, 2013 by Public Service Company (aka Xcel Energy) and the future Final Plat application shall also reflect the noted easement above.

RESOLVED, this 28th day of January, 2014.

**CITY OF BRIGHTON, COLORADO
PLANNING COMMISSION**

Dick Hodge, Chairperson

ATTEST:

Diane Phin, Secretary

**City Council
Agenda Item
8A**



Finance Department
Division of Procurement and Contracts
Staff Report

Reference: *Award of Phase 2 for the Replacement/Renovation of Exterior Wood Windows on the south and east side of Historic City Hall to H. W. Houston Construction Company in the not to exceed amount of Ninety Two Thousand Dollars (\$92,000.00) - RFP #13-001*

To:	Mayor Richard N. McLean and Members of City Council		
Through:	Manuel Esquibel, City Manager		
<input type="checkbox"/> Finance Reviewed:	_____	<input type="checkbox"/> Regular Council Agenda Date:	_____
<input checked="" type="checkbox"/> Attorney Reviewed:	January 25, 2014	<input type="checkbox"/> Resolution / Ordinance #	_____
<input type="checkbox"/> Publication Dates:	_____		
Prepared By:	Sharon L. Williams, Procurement & Contracts Manager		
	Bob Brady, Facility Capital Projects Manager		
Through:	Margaret Brocklander, IT Director		
Date Prepared:	January 9, 2014		

PURPOSE

City Council approval is being requested for a formal proposal for Phase 2 of the Replacement/Renovation of Exterior Wood Windows on the south and east side of Historic City Hall to the firm having the requisite expertise and experience to perform the required Services, and approving the resolution giving the Mayor authority to sign the contract. Municipal Code Section 3.08.090, ". . . All bids and proposals in excess of \$50,000 shall be awarded through formal written procedures by the City Council."

BACKGROUND/HISTORY

This project is for the replacement of the remaining exterior windows at Historic City Hall. Replacement of the windows was scheduled to be completed in two phases. Phase 1 for the windows on the north and west side of the building was completed in 2013. With City Council award, Phase 2 is scheduled to be completed in 2014. Important aspects of the project include:

- The Historic City Hall building is listed on the State of Colorado and the National Historic registers;
- The original wood windows with single pane glass, are very energy inefficient, do not seal tight, are easily penetrated by sound, lack modern security measures, and have been degraded by the elements; and
- The Brighton Historic Preservation Commission (BHPC) approval was required and received for the window replacement and renovation.

Formal proposals were solicited in 2013 from qualified Contractors under RFP #13-001. The RFP was prepared to incorporate project costs for both Phase 1 and Phase 2 to ensure that all windows are of the same make and manufacture and that pricing will remain consistent. Phase 1 requested that the contractors complete windows on the north and west sides of the building in 2013. Phase 2 will complete

the project with the replacement of the windows on the south and east sides of the building. All firms were asked to incorporate costs for the completion of the replacement windows in 2014.

The firm of H. W. Houston Construction Company was awarded the contract for Phase 1 and has satisfactorily completed the window installation in that Phase. In order to ensure that all windows are the same make and manufacture for Phase 2, the recommendation is to award the contract to H.W. Houston Construction Company for Phase 2. Pursuant to its 2013 proposal, H.W. Houston will complete the work for the same per window cost as Phase 1 and within the 2014 budgeted not to exceed amount of \$100,000.

FINANCIAL IMPACT

Funding was approved for Phase 2 in the 2014 budget in the amount of One Hundred Thousand Dollars (\$100,000.00) for the Phase 2 completion of the Replacement/Renovation of Exterior Wood Windows on the south and east sides of the building at Historic City Hall.

STAFF RECOMMENDATION

In completing the review and evaluation of this proposal the recommendation is to award to the firm having the requisite expertise and experience to perform the required Services of H. W. Houston Construction Company in the amount of Ninety Two Thousand Dollars (\$92,000.00) for Replacement/Renovation of Exterior Wood Windows on the south and east side of Historic City Hall (Phase 2).

H. W. Houston Construction Company is in good standing with the State of Colorado.

OPTIONS FOR COUNCIL CONSIDERATION

- Approval as presented
- Reject
- Require new proposals be prepared

Attachments:

- Resolution
- Cost Confirmation from HW Houston

RESOLUTION

RESOLUTION NUMBER: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF H. W. HOUSTON CONSTRUCTION COMPANY AND AWARDING THE CONTRACT FOR PHASE 2 OF THE REPLACEMENT/RENOVATION OF EXTERIOR WOOD WINDOWS FOR NORTH AND WEST SIDES OF HISTORIC CITY HALL, RFP #13-001, IN AN AMOUNT NOT TO EXCEED NINETY TWO THOUSAND DOLLARS (\$92,000.00), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

WHEREAS, pursuant to Section 17.7 of the City of Brighton Charter, "The Council shall establish by ordinance procedures requiring competitive bidding for contracts for the procurement of services, equipment, and supplies. Any such ordinance may provide exclusions from the competitive bidding requirements for contracts below an amount specified in the ordinance, for the types of contracts specified in the ordinance, and for the types of services, equipment or supplies specified in the ordinance"; and

WHEREAS, Chapter 3.08 of the Brighton Municipal Code, sets forth the requirements and procedures for purchasing of supplies or services and contracting for public works or professional services; and

WHEREAS, the City published a notice inviting proposals through its formal process for completion of the Replacement/Renovation of Exterior Wood Windows of Historic City Hall in two phases; and

WHEREAS, H. W. Houston Construction Company submitted a proposal for Phase 1 and Phase 2 of the Project, was awarded the contract for Phase 1 in 2013, and has satisfactorily completed Phase 1; and

WHEREAS, pursuant to its 2013 proposal, H.W. Houston will complete Phase 2 for the same per window cost as Phase 1, and within the 2014 budgeted not to exceed amount of \$100,000; and

WHEREAS, the City believes that H. W. Houston Construction Company has performed satisfactorily and has the requisite expertise and experience to complete the Project for the City; and

WHEREAS, in order to ensure that all windows are the same make and manufacture for Phase 2, the recommendation is to award the contract to H.W. Houston Construction Company for Phase 2; and

WHEREAS, funding was approved in the 2014 budget for the Replacement/Renovation of Exterior Wood Windows of Historic City Hall (Phase 2) in the amount of One Thousand Dollars (\$100,000.00); and

WHEREAS, the City believes that it is in the best interests of the City to accept the proposal of H. W. Houston Construction Company in the amount of Ninety Two Thousand Dollars (\$92,000.00), to award the contract for the Replacement/Renovation of Exterior Wood Windows on the north and west side of Historic City Hall (Phase 2) to H. W. Houston Construction Company, in an amount not to exceed Ninety Two Thousand Dollars (\$92,000.00), and to authorize the Mayor to sign the contract on behalf of the City.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

1. That H. W. Houston Construction Company has the requisite expertise and experience to perform the required Services for the Project; and
2. That the Proposal of H. W. Houston Construction Company in the amount of Ninety Two Thousand Dollars (\$92,000.00), is hereby approved; and
3. That funding was approved in the 2014 Capital Improvement Fund budget for the Replacement/Renovation of Exterior Wood Windows on the south and east side of Historic City Hall (Phase 2); and
4. That the Contract for the Replacement/Renovation of Exterior Wood Windows on the north and west side of Historic City Hall (Phase 2) is hereby awarded to H. W. Houston Construction Company for Replacement/Renovation of Exterior Wood Windows on the north and west side of Historic City Hall in the amount not to exceed Ninety Two Thousand Dollars (\$92,000.00); and
5. That the Mayor is hereby authorized to sign the contract with H. W. Houston Construction Company on behalf of the City.

RESOLVED, this 4th day of February, 2014.

**CITY OF BRIGHTON, COLORADO
CITY COUNCIL**

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approved as to Form:

Margaret R. Brubaker, Esq., City Attorney

H.W. HOUSTON CONSTRUCTION CO.

210 S Victoria Avenue, Pueblo, Colorado 81003 Phone (719) 544-2791

January 20, 2014

Project: Brighton Historic Old City Hall Window Restoration- Phase 2

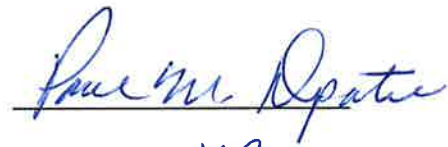
Attn: Bob Brady

Phase 2 Proposal

The following is a proposal to install 56 Lincoln windows on south and east elevations of Old City Hall.

All materials and work will be completed in the same method as Phase 1.

Total for material and labor \$92,000.

A handwritten signature in blue ink, reading "Paul M. Depatie", written over a horizontal line.

Paul Depatie *V.P.*

**City Council
Agenda Item
8B**



**Finance Department
Division of Procurement and Contracts
Staff Report**

Reference: *Award the Replacement of Recreation Center Lap Pool Boiler-Phase 2 to Building Technology Systems, Inc. in the not to exceed amount of Fifty Five Thousand One Hundred Fifty Five Dollars (\$55,155.00) - RFP #13-038*

To:	Mayor Richard N. McLean and Members of City Council		
Through:	Manuel Esquibel, City Manager		
<input type="checkbox"/> Finance Reviewed:	_____	<input type="checkbox"/> Regular Council Agenda Date:	_____
<input checked="" type="checkbox"/> Attorney Reviewed:	_____	<input type="checkbox"/> Resolution / Ordinance #	_____
<input type="checkbox"/> Publication Dates:	_____		
Prepared By:	Sharon L. Williams, Procurement & Contracts Manager		
	Bob Brady, Facilities Project Manager		
Through:	Gary Wardle, Parks and Recreation Director		
Date Prepared:	January 16, 2014		

PURPOSE

City Council approval is being requested for a formal proposal for the Replacement of Recreation Center Lap Pool Boiler Phase 2 to the firm having the requisite expertise and experience to perform the required Services, and approving the resolution giving the Mayor authority to sign the contract. Municipal Code Section 3.08.090, ". . . . All bids and proposals in excess of \$50,000 shall be awarded through formal written procedures by the City Council."

BACKGROUND/HISTORY

Formal proposals were solicited in 2013 from qualified Contractors under RFP #13-038. The RFP was prepared to incorporate project costs for both Phase 1 and Phase 2 to ensure that the new boilers are of the same make and manufacture and that pricing will remain consistent. Phase 1 for the replacement of the Leisure Pool Boiler was completed in 2013. Phase 2 will complete the project with the replacement of the Lap pool boiler. All firms were asked to incorporate costs for the replacement of the Lap Pool Boiler in 2014.

The existing Lap Pool boiler has been experiencing repair issues for many years, creates challenges in maintaining the proper pool water temperatures, and is not energy efficient.

The firm of Building Technology Systems, Inc. was awarded the contract for Phase 1 and has satisfactorily completed the installation of leisure pool boiler in that Phase. In order to ensure that the boilers are the same make and manufacture for Phase 2, the recommendation is to award the contract to Building Technology Systems, Inc. for Phase 2. Pursuant to its 2013 proposal, Building Technology Systems will

complete the work for the same cost proposal as listed in the initial proposal and within the 2014 budgeted not to exceed amount of \$80,000.

FINANCIAL IMPACT

Funding was approved for Phase 2 in the 2014 budget in the amount of Eighty Thousand Dollars (\$80,000.00) for the Phase 2 completion of the Lap Pool Boiler at the Recreation Center.

STAFF RECOMMENDATION

In completing the review and evaluation of this proposal the recommendation is to award to the firm having the requisite expertise and experience to perform the required Services of Building Technology Systems, Inc. in the amount of Fifty Five Thousand One Hundred Fifty Five Dollars (\$55,155.00) for Phase 2 Replacement of the Recreation Center Lap Pool Boiler.

Building Technology Systems, Inc. is in good standing with the State of Colorado.

OPTIONS FOR COUNCIL CONSIDERATION

- Approval as presented
- Reject
- Require new proposals be prepared

Attachments:

- Resolution
- Proposal Submittals-Original dated May 8, 2013

RESOLUTION

RESOLUTION NUMBER: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF BUILDING TECHNOLOGY SYSTEMS, INC. AND AWARDING THE CONTRACT FOR PHASE 2 OF THE REPLACEMENT OF RECREATION CENTER POOL BOILERS, RFP #13-038, IN AN AMOUNT NOT TO EXCEED FIFTY FIVE THOUSAND ONE HUNDRED FIFTY FIVE DOLLARS (\$55,155.00), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

WHEREAS, pursuant to Section 17.7 of the City of Brighton Charter, "The Council shall establish by ordinance procedures requiring competitive bidding for contracts for the procurement of services, equipment, and supplies. Any such ordinance may provide exclusions from the competitive bidding requirements for contracts below an amount specified in the ordinance, for the types of contracts specified in the ordinance, and for the types of services, equipment or supplies specified in the ordinance"; and

WHEREAS, Chapter 3.08 of the Brighton Municipal Code, sets forth the requirements and procedures for purchasing of supplies or services and contracting for public works or professional services; and

WHEREAS, the City published a notice inviting proposals through its formal process for completion of the Replacement of Recreation Center Pool Boilers in two phases; and

WHEREAS, Building Technology Systems, Inc. submitted a proposal for Phase 1 and Phase 2 of the Project, was awarded the contract for Phase 1 in 2013, and has satisfactorily completed Phase 1; and

WHEREAS, pursuant to its 2013 proposal, Building Technology Systems, Inc. will complete Phase 2 for the same cost as shown in the submitted proposal and within the 2014 budgeted not to exceed amount of \$80,000; and

WHEREAS, the City believes that Building Technology Systems, Inc. has held itself out to the City of Brighton as having the requisite expertise and experience to perform the required Services for the Project; and

WHEREAS, in order to ensure that the boilers are the same make and manufacture for Phase 2, the recommendation is to award the contract to Building Technology Systems, Inc. for Phase 2; and

WHEREAS, funding was approved in the 2014 Facilities budget for the Replacement of Recreation Center Lap Pool Boiler Phase 2 in the amount of \$80,000.00; and

WHEREAS, the City believes that it is in the best interests of the City to accept the proposal of Building Technology Systems, Inc. in the amount of Fifty Five Thousand One Hundred Fifty Five Dollars (\$55,155.00), to award the contract for the Replacement of Recreation Center Lap Pool Boiler Phase 2 to Building Technology Systems, Inc., in an amount not to exceed Fifty Five Thousand One Hundred Fifty Five Dollars (\$55,155.00), and to authorize the Mayor to sign the contract on behalf of the City.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

1. That Building Technology Systems, Inc. has the requisite expertise and experience to perform the required Services for the Project; and
2. That the Proposal of Building Technology Systems, Inc. in the amount of Fifty Five Thousand One Hundred Fifty Five Dollars (\$55,155.00), is hereby approved; and
3. That funding was approved in the 2014 Facilities budget for the Replacement of Recreation Center Lap Pool Boiler Phase 2; and
4. That the Contract for the Replacement of Recreation Center Lap Pool Boiler (Phase 2) is hereby awarded to Building Technology Systems, Inc. for Replacement of Recreation Center Lap Pool Boiler - Phase 2 in the amount not to exceed Fifty Five Thousand One Hundred Fifty Five Dollars (\$55,155.00); and
5. That the Mayor is hereby authorized to sign the contract with Building Technology Systems, Inc. on behalf of the City.

RESOLVED, this 4th day of February, 2014.

**CITY OF BRIGHTON, COLORADO
CITY COUNCIL**

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approved as to Form:

Margaret R. Brubaker, Esq., City Attorney

PHASE 1 and 2 PRICE COMPARISON
Replacement of Recreation Center Pool Boilers - Phase 1
RFP #13-038 ~ RFP Date: May 08 2013 ~ RFP Submittals Due: 4:00 PM

Prepared by: Jennifer Bergman, Procurement Agent I/C
Through: Sharon L. Williams, Procurement & Contracts Manager
Prepared for: Margaret Brocklander, Facilities and IT Director
Bob Brady, Facilities Project Manager
Date Prepared: May 09, 2013

Firm Name	Building Technology Systems, Inc.	Colorado Mechanical Systems, Inc.	Trane U.S., Inc.
Item Description	Cost	Cost	Cost
Phase 1	\$52,960.00	\$53,800.00	\$76,427.00
Phase 2	\$55,155.00	\$55,800.00	\$79,850.00
Exclusions			
	Work other than listed in proposal. Insulation on existing or new piping per section 503.2.8 #3 of the IMC code book. EPO Switch; utilize existing EPO in electrical panel. After hour work; labor figured as normal business hours.		
	Structural work, any and all engineering, concrete cutting and/or patching, drywall patching and/or repair, fire alarm/suppression work, identification and/or removal of ACM's, temporary heating/cooling, liquidated damages, after hours/overtime work, temporary facilities, and any work not specifically within the scope set forth in proposal is excluded. All work to be completed according to standard practices. Any alteration or deviation from the proposal involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Payment: Net 20 days		
	Work is limited as defined in proposal. Not liable for pre-existing, and concealed or unknown conditions. Exclusive of asbestos abatement. Demurrage or storage charges. Participation in OCIOF or CCIP insurance programs.		

**City Council
Agenda Item
8C**



**Finance Department
Division of Procurement and Contracts
Staff Report**

Reference: *Award of Formal Bid for Handicap Ramp Replacement Program (2013 CDBG Project) - Bid #13-078*

To:	Mayor Richard N. McLean and Members of City Council		
Through:	Manuel Esquibel, City Manager		
<input checked="" type="checkbox"/> Attorney Reviewed:	_____	<input type="checkbox"/> Regular Council Agenda Date:	_____
<input checked="" type="checkbox"/> Finance Reviewed:	_____	<input type="checkbox"/> Resolution / Ordinance #	_____
<input type="checkbox"/> Publication Dates:	_____		
Prepared By:	Sharon L. Williams, Procurement & Contracts Manager		
Through:	Joe Smith, Streets/Fleet Director Bill Allen, Construction Manager		
Date Prepared:	January 28, 2014		

PURPOSE

Requesting City Council approval of a formal bid for the Handicap Ramp Replacement Program (2013 CDBG Project) to the lowest most responsive and responsible bidder, and approving the resolution giving the Mayor authority to sign the contract. Municipal Code Section 3.08.090, ". . . All bids and proposals in excess of \$50,000 shall be awarded through formal written procedures by the city council."

BACKGROUND/HISTORY

Formal Bids were requested from qualified Contractors for the Handicap Ramp Replacement Program (2013 CDBG Project). The work to be completed includes the removal and replacement of noncompliant handicap ramps with ADA compliant handicap ramps. Replacement locations are shown on the attached location map. All work to be completed on this project will be performed in compliance with the Davis-Bacon Act. As required by the CDBG grant the Federal Government's System for Award Management (SAM) was checked to verify that the company is not on the debarred list. Procurement has been in communication with the ADCO Grants Coordinator during the process for the review of the bid documents, compliance with Davis Bacon, review of the bids received, and agreement with the selected award vendor.

Formal bids were received on January 11, 2014 at 10:00 am; Nine (9) firms submitted bids for this project. All bids received were opened and read into record by the Procurement & Contracts Manager at a public bid opening. Procurement has completed a review of all bids received to verify compliance with all requirements of the bid documents.

FINANCIAL IMPACT

Funding was approved in 2014 in the amount of \$90,000.

STAFF RECOMMENDATION

In completing the review and evaluation for this bid the recommendation is to award to the lowest most responsive and responsible bid of Silva Construction, Inc., in the amount of Seventy One Thousand Three Hundred and Sixty Dollars (\$71,360.00).

Reference checks for Silva Construction, Inc. have been completed and indicate a high degree of satisfaction with the contract work performed. Silva Construction, Inc. is in good standing with the State of Colorado.

OPTIONS FOR COUNCIL CONSIDERATION

- Approval as presented
- Reject
- Require new bids be prepared

Attachments:

- Resolution
- Bid Abstract
- Location Map

RESOLUTION

RESOLUTION NUMBER: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF SILVA CONSTRUCTION, INC. AND AWARDING THE CONTRACT FOR THE HANDICAP RAMP REPLACEMENT PROGRAM (2013 CDBG PROJECT), BID #13-078, IN AN AMOUNT NOT TO EXCEED SEVENTY ONE THOUSAND THREE HUNDRED AND SIXTY DOLLARS (\$71,360.00), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO.

WHEREAS, pursuant to Section 17.7 of the City of Brighton Charter, "*The Council shall establish by ordinance procedures requiring competitive bidding for contracts for the procurement of services, equipment, and supplies*"; and

WHEREAS, Chapter 3.08 of the Brighton Municipal Code, sets forth the requirements and procedures for purchasing of supplies or services and contracting for public works or professional services; and

WHEREAS, the City published a notice inviting bids through its formal bid process for completion of the Handicap Ramp Replacement Program (2013 CDBG Project); and

WHEREAS, funding was approved in the 2014 budget for the Handicap Ramp Replacement Program (2013 CDBG Project) Project; and

WHEREAS, Silva Construction, Inc., submitted a bid for the project which has been reviewed by the City; and

WHEREAS, the City believes that Silva Construction, Inc. is the lowest and most responsive and responsible bidder for the Handicap Ramp Replacement Program (2013 CDBG Project); and

WHEREAS, the City believes that it is in the best interests of the City to accept the bid of Silva Construction, Inc. in the amount of Seventy One Thousand Three Hundred and Sixty Dollars (\$71,360.00), to award the contract for the Handicap Ramp Replacement Program (2013 CDBG Project) Project to Silva Construction, Inc., in an amount not to exceed Seventy One Thousand Three Hundred and Sixty Dollars (\$71,360.00), and to authorize the Mayor to sign the contract on behalf of the City and the City Clerk to Attest thereto.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

1. That Silva Construction, Inc. is the lowest responsive and responsible bidder for the Handicap Ramp Replacement Program (2013 CDBG Project); and
2. That the bid of Silva Construction, Inc. in the amount of Seventy One Thousand Three Hundred and Sixty Dollars (\$71,360.00), is hereby approved; and

3. That funding was approved in the 2014 budget for the Handicap Ramp Replacement Program (2013 CDBG Project) Project; and
4. That the Contract for the Handicap Ramp Replacement Program (2013 CDBG Project) is hereby awarded to Silva Construction, Inc. in the amount not to exceed Seventy One Thousand Three Hundred and Sixty Dollars (\$71,360.00); and
5. That the Mayor is hereby authorized to sign the contract with Silva Construction, Inc. on behalf of the City and the City Clerk to Attest thereto.

RESOLVED, this 4th day of January, 2014.

**CITY OF BRIGHTON, COLORADO
CITY COUNCIL**

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approved as to Form:

Margaret R. Brubaker, Esq., City Attorney

BID ABSTRACT
Handicap Ramp Replacement Program (2013 CDBG Project)
Bid #13-078 ~ Bid Date: January 22, 2014 ~ Bid Time: 11:00 am

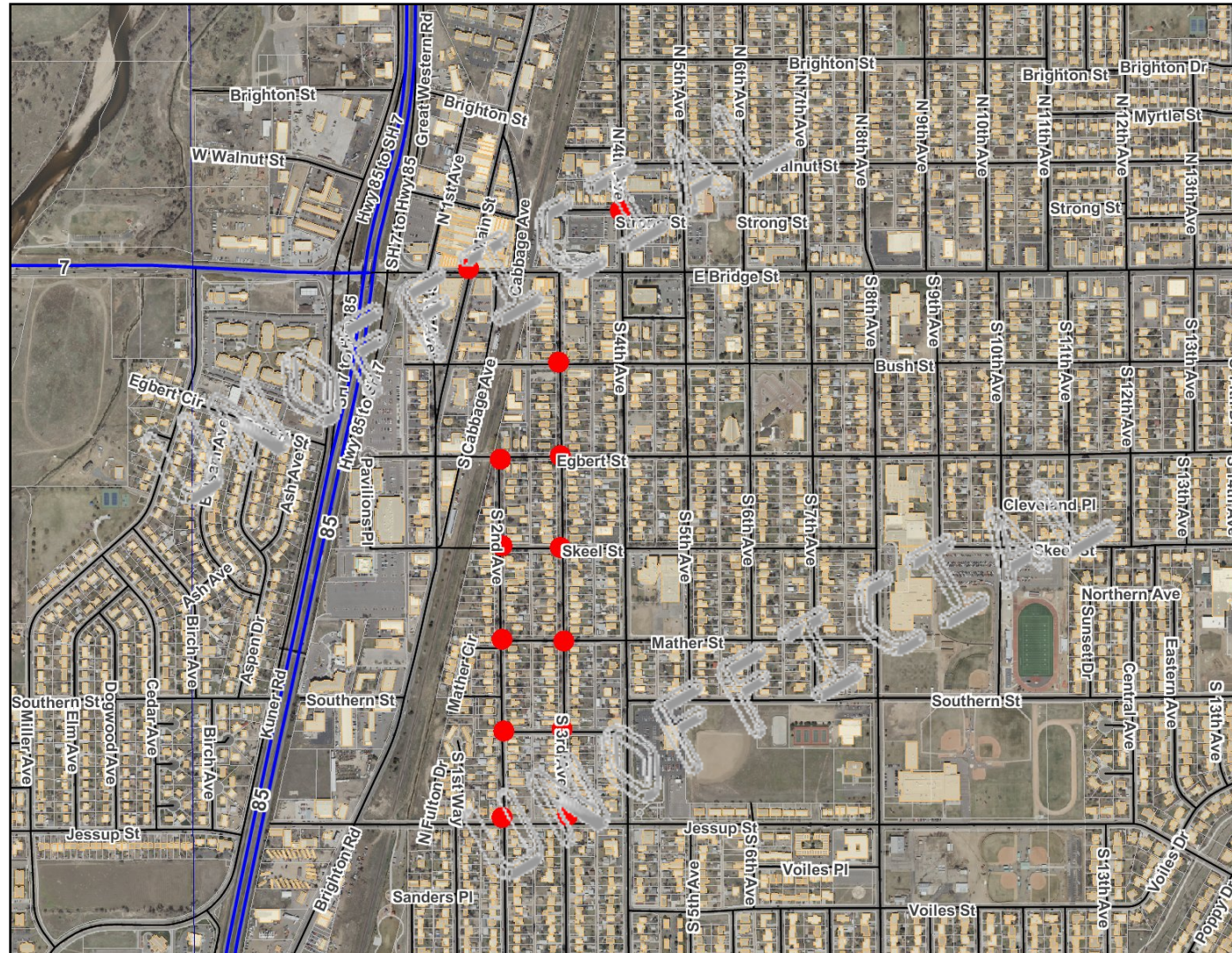
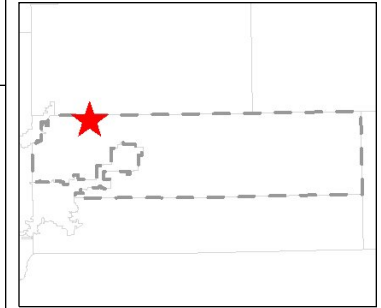
Opened and Read into Record by: Sharon L. Williams, Procurement & Contracts Manager

Recorded by: Estella Gallegos, Procurement Clerk

Firm Name	Bid Bond	Total Bid Amount
Silva Construction 154 Cisne Circle Brighton, CO 80601	X	71,360.00
Keene Concrete 30263 Weld County Rd 8 Keenesburg, CO 80643	X	81,780.00
Chato's Concrete PO Box 21008 Denver, CO 80221	X	83,989.80
Custom Concrete Cutting Inc PO Box 1060 Brighton, CO 80601	X	89,010.00
Noraa Concrete Construction Corp 39673 East 160th Avenue Keenesburg, CO 80643	X	110,690.00
Fasick Concrete 5835 West 6th Ave., #4PD Lakewood, CO 80214	X	129,600.00
Thoutt Bros. 5460 Tennyson St. Denver, CO 80212	X	134,205.00
Manion Construction PO Box 271301 Littleton, CO 80127	X	138,220.00
Rodriguez Construction 3043 California St. Denver, CO 80205	X	144,440.00



Adams County Web Mapping



Legend

- County Boundary
- Adjacent Counties
- Township
- Streets
- Hwy outline
- Road outline
- Interstates
- US, State Hwys
- Tollways
- Streets/Roads
- Residential Buildings
- Parcels
- 2010 West Aerials
- 2010 East Aerials



Map center: 3191117, 1783761



Scale: 1:12,617

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

City Council Agenda Item 8D

OFFICE OF THE CITY CLERK

To:	<i>Mayor McLean and City Council Members Manuel Esquibel, City Manager</i>
Prepared By:	<i>Natalie Hoel, City Clerk</i>
Date Prepared:	<i>January 30, 2014</i>
Reference:	<i>Board Appointments for the Board of Appeals</i>

PURPOSE:

To appoint by Resolution one (1) member to the Board of Appeals.

BACKGROUND:

Per City Council Policy, applicants are required to go through an interview process and, upon City Council recommendation; members are appointed by the Mayor with Ratification by City Council.

There is currently one (1) vacancy on the Board of Appeals. There was one (1) application received by the City Clerk's Office and the City Council interviews were held on January 28, 2014.

RECOMMENDED ACTION:

A Resolution is attached for the purpose of filling one (1) open seat.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,
COLORADO, APPOINTING JEFF BERNARD AS A MEMBER OF THE BRIGHTON
BOARD OF APPEALS TO FILL A NEW TERM TO SEPTEMBER, 2016.**

RESOLUTION NO. _____

WHEREAS, on January 28, 2014 the Brighton City Council conducted interviews to fill the vacancy on the Board of Appeals; and

WHEREAS, the Mayor and City Council approved Ordinance 2002 on July 1, 2009, Amending the Policies for Appointment of Members to City Board, Commissions and Authorities to Specify term limits for Certain Board, Commission and Authority Appointees; and

WHEREAS, the City Clerk advertised and received one (1) application to fill the vacancy; and

WHEREAS, the City Council desires to enable the Board of Appeals to function and work toward the betterment of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, THAT THE FOLLOWING APPOINTMENTS BE MADE.

BOARD OF APPEALS

1. Jeff Bernard

Term: September, 2016

Adopted this 4th day of February, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

OFFICE OF THE CITY CLERK

To:	<i>Mayor McLean and City Council Members Manuel Esquibel, City Manager</i>
Prepared By:	<i>Natalie Hoel, City Clerk</i>
Date Prepared:	<i>January 30, 2014</i>
Reference:	<i>Board Appointments for the Planning Commission</i>

PURPOSE:

To appoint by Resolution two (2) members to the Planning Commission.

BACKGROUND:

Per City Council Policy, applicants are required to go through an interview process and, upon City Council recommendation; members are appointed by the Mayor with Ratification by City Council.

There is currently one (1) Ward 4 member vacancy and one (1) Alternate vacancy on the Planning Commission. There were three (3) applications received by the City Clerk's Office and the City Council interviews were held on January 28, 2014.

RECOMMENDED ACTION:

A Resolution is attached for the purpose of filling two (2) open seats.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,
COLORADO, APPOINTING ARCHIE DEMAREST AS A MEMBER OF THE
BRIGHTON PLANNING COMMISSION TO FILL AN UNEXPIRED WARD 4 TERM
TO JANUARY, 2017.**

RESOLUTION NO. _____

WHEREAS, on January 28, 2014 the Brighton City Council conducted interviews to fill the vacancies on the Brighton Planning Commission; and

WHEREAS, the Mayor and City Council approved Ordinance 2002 on July 1, 2009, Amending the Policies for Appointment of Members to City Board, Commissions and Authorities to Specify term limits for Certain Board, Commission and Authority Appointees; and

WHEREAS, the City Clerk advertised and received one (1) application to fill the Ward 4 vacancy; and

WHEREAS, the City Council desires to enable the Brighton Planning Commission to function and work toward the betterment of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, THAT THE FOLLOWING APPOINTMENTS BE MADE.

PLANNING COMMISSION

1. Archie Demarest	Ward 4	Term: January, 2017
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Adopted this 4th day of February, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,
COLORADO, APPOINTING PHILIP COVARRUBIAS AS AN ALTERNATE MEMBER
OF THE BRIGHTON PLANNING COMMISSION TO FILL AN UNEXPIRED TERM
TO JANUARY, 2016.**

RESOLUTION NO. _____

WHEREAS, on January 28, 2014 the Brighton City Council conducted interviews to fill the vacancies on the Brighton Planning Commission; and

WHEREAS, the Mayor and City Council approved Ordinance 2002 on July 1, 2009, Amending the Policies for Appointment of Members to City Board, Commissions and Authorities to Specify term limits for Certain Board, Commission and Authority Appointees; and

WHEREAS, the City Clerk advertised and received two (2) applications to fill the vacancies; and

WHEREAS, the City Council desires to enable the Brighton Planning Commission to function and work toward the betterment of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, THAT THE FOLLOWING APPOINTMENTS BE MADE.

PLANNING COMMISSION

1. Philip Covarrubias	Alternate	Term: January, 2016
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Adopted this 4th day of February, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**City Council
Agenda Item
9A**

Department of Utilities

Reference: Proposed revisions to the City of Brighton Municipal Code Chapter 17-12-20 Definitions and Chapter 17-16-200 FC Floodplain Control District

To: Mayor Dick McLean and Members of City Council
Through: Manuel Esquibel, City Manager

☐ Attorney Reviewed: _____ ☐ Regular Council Agenda Date: _____
☐ Finance Reviewed: _____ ☐ Resolution / Ordinance # _____
☐ Publication Dates: _____

Prepared By: Juliana Archuleta, Stormwater Coordinator
Through: Dennis Crock, P.E. Utility Engineer
Through: James M. Landeck, P.E. Director of Utilities

Date Prepared: 12/18/2013

PURPOSE

City Council consideration of a proposed revision to the City of Brighton Municipal Code Chapter 17-12-20 Definitions and Chapter 17-16-200 FC Floodplain Control District.

BACKGROUND

The City of Brighton Utilities Department's Floodplain Program is dedicated to minimize the loss of life and property that is associated with flooding events, and providing residents with a safe environment to live, work, and play.

Basic homeowner's insurance does not cover damage from floods. To be able to remain an eligible community for Federally subsidized flood insurance coverage the City of Brighton must adhere to the minimum standards of the entities listed below:

- 1) Federal Emergency Management Agency (FEMA)'s National Flood Insurance Program (NFIP); and
- 2) State of Colorado Department of Natural Resources-Colorado Water Conservation Board (CWCB)'s Rules and Regulations for Regulatory Floodplains in Colorado,

The CWCB has promulgated new floodplain rules and regulations that became effective on January 14, 2011. A transition period of three years was given to local governments to modify local ordinances.

The proposed ordinance modifications provide for increased public safety and reduced flood losses through the implementation of higher standards to regulations and processes that currently exist. For example, Critical Facilities located within the 100-year floodplain are now required to be protected with a freeboard of two feet instead of the previous standard of one-foot freeboard. The change in freeboard is intended to minimize severe consequences to public health and safety or interruptions of essential services and operations for the community at any time before, during and after a flood.

FINANCIAL IMPACT

Per the CWCB Cost, Benefit, and Regulatory Analysis, dated October 14, 2012, the costs to administer these new requirements are effectively the same as with the existing rules. While the Rules set higher criteria for existing processes, the processes themselves are not altered. The regulatory infrastructure already in place (such as existing local staff resources) will not need to be increased or altered.

Staff acknowledges that it may cost more to design and construct activities to meet these higher criteria. However, the higher criteria proposed in this rule is being proposed for the sake of public safety, and it has been demonstrated that the benefits of these higher standards outweigh the costs.

OPTIONS FOR COUNCIL CONSIDERATION

1. Approval of the proposed amendments as presented
2. Modification of the proposed amendments to the ordinance
3. Postponement of proposed amendments to a later date.

STAFF RECOMMENDATION

Staff has taken several months to prepare the final ordinance revisions with the assistance of the City Attorney's Office. A significant amount of research was done and significant guidance was received from the State of Colorado CWCB. Staff believes the proposed amendments to Chapter 17 of the Municipal Code will serve the best interests of our community and therefore, staff recommends approval of the proposed amendments to Articles 17-12-20, and 17-16-200, of the Municipal Code as presented.

Attachments:

- Ordinance including Revisions to the City of Brighton Municipal Code Chapter 17-12-20 and 17-16-200

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING SECTION 17-12-20 WORDS TERMS AND PHRASES AND SECTION 17-16-200 FC – FLOOD PLAIN CONTROL DISTRICT OF CHAPTER 17. LAND USE AND DEVELOPMENT CODE, OF THE BRIGHTON MUNICIPAL CODE; CORRECTING AND ADDING DEFINITIONS; ADDING STANDARDS AND REQUIREMENTS FOR APPLICATIONS FOR FLOOD PLAIN PERMITS AND THE REVIEW THEREOF; ADDING TO AND AMENDING CERTAIN FLOOD PLAIN REGULATIONS; DESIGNATING CRITICAL FACILITIES; SETTING REQUIREMENTS FOR PROPERTIES REMOVED FROM THE FLOOD PLAIN BY FILL AND RECREATIONAL VEHICLES AS REQUIRED BY THE COLORADO DEPARTMENT OF NATURAL RESOURCES, WATER CONSERVATION BOARD’S RULES AND REGULATIONS FOR REGULATORY FLOODPLAINS IN COLORADO; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

ORDINANCE NO: _____

INTRODUCED BY: _____

WHEREAS, Section 17-17-200 FC-Flood Plain Control District of the Land Use and Development Code, City of Brighton is an overlay zoning district adopting and making applicable restrictions, standards, and regulations therein in addition to those set forth in the underlying zone district for the protection of the public health, safety and welfare by preventing loss of life and property, as well as economic and social hardships that result from flooding; and

WHEREAS, the City of Brighton must adhere to the minimum standards of both Federal Emergency Management Agency’s National Flood Insurance Program (NFIP) and the Colorado Water Conservation Board’s statewide floodplain rules applicable to all geographic areas in Colorado, to be able to remain an eligible community for flood insurance coverage; and.

WHEREAS, since the adoption of Section 17-16-200, FC- Flood Plain Control District of the Land Use and Development Code, Brighton Municipal Code, the Colorado Water Conservation Board has issued new rules that apply higher standards to regulations and processes that currently exist; and,

WHEREAS, designated Critical Facilities located within the 100-year floodplain are now required to be protected with a freeboard of two feet instead of the standard of one-foot freeboard to minimize severe consequences to public health and safety or interruptions of essential services and operations for the community at any time before, during and after a flood; and

WHEREAS, it is necessary and in the public interest to add certain definitions to the Land Use and Development Code, amend, clarify and strengthen other sections and provisions to Section 17-16-200. FC-Flood Plain Control District as the same relate to controlling development in the floodplain; and,

WHEREAS, it is the opinion of the City Council that it is in the best interest of the public health, safety, and welfare that Section 17-12-20, Words, terms or phrases; and Section 17-16-200, FC– Flood Plain Control District, be amended to adopt new standards that are intended to prevent loss of life and property, as well as economic and social hardships that result from flooding.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

SECTION 1. Section 17-12-20 Words, terms or phrases of the Land Use and Development Code. Brighton Municipal Code is hereby amended by the additions to or amendments of the following definitions to read as follows:

Sec. 17-12-20. Words, terms or phrases.

Addition. *Any activity that expands the enclosed footprint or increases the square footage of an existing structure.*

Conditional Letter of Map Revision (CLOMR). *FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.*

Critical Facility. *A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.*

Flood, 100-year flood. ~~A flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average of once every one hundred (100) years; the term also means that level of flooding having a one percent (1%) probability of occurrence in any year.~~

A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

Flood, 500-year flood. *A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years*

Flood, 500-year floodplain. *The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.*

Flood plain administrator. *The Flood Plain Administrator, also referred to in this Section as the "City Engineer", is the City employee appointed by the City Manager to administer the duties set forth in this Section 17-16-200. FC – Flood Plain Control District.*

Freeboard. *The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.*

Historic Structure. Any structure that is:

- a. Designated an historic landmark in accordance with the provisions and requirements of Article 17-52 Historic Preservation of the City of Brighton Land Use and Development Code;
- b. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- c. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- d. Individually listed in the State of Colorado inventory of historic places.

Letter of Map Revision (LOMR). FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Plain Area (SFHA).

Letter of Map Revision based on Fill (LOMR-F). FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

No-Rise Certification. A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Recreational Vehicle. Means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or carried on or towable by a light duty truck or other vehicle; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood plain. The regulatory flood plain consists of those areas set forth in subsection 17-16-200(c) Regulatory flood plain boundary below, also referred to herein as the Special Flood Plain Area.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

SECTION 2. Subsection 17-16-200(b) Statement of Goals, Purpose and Policy is amended by the addition of subsection (8) to read as follows.

17-16-200 (b)(8) *Warning and Disclaimer of Liability.* *The degree of flood protection required by this Section 17-16-200 FC-Flood Plain Control District, as amended from time to time, is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Section 17-16-200 does not imply that land outside the Regulatory Flood Boundary or uses permitted or approved within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Brighton or any official or employee thereof for any flood damages that result from reliance on this Section 17-16-200 or any administrative decision lawfully made hereunder.*

SECTION 3. Subsection 17-16-200(c) Flood Boundary is repealed and reenacted in its entirety to read as follows:

17-16-200(c) *Regulatory Flood Plain Boundary*

(1) The provisions of this Section 17-16-200 FC-Flood Plain Control District apply to the areas of special flood plain area identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for City of Brighton Adams County, Colorado and Incorporated Areas," dated March 5, 2007, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM), as may be amended from time to time. Additional flood boundaries that shall apply are identified in the current Flood Hazard Area Delineation Studies for Todd Creek, the South Platte River, Adams County, Second Creek and Third Creek, as published and amended by the Urban Drainage and Flood Control District (UDFCD), as the same may be amended from time to time. If these studies conflict, the most restrictive shall apply. The Flood Insurance Study, the Flood Insurance Rate Maps and the afore mentioned UDFCD Flood Hazard Area Delineation Studies shall be available for public review at the offices of ~~Community Development of the Public Works~~ the Utilities Department, City of Brighton.

(2) If an applicant disputes the location of a *regulatory* flood plain boundary with the City Engineer, he or she may file with the City Engineer a written request for a hearing before the City Council, which will be held within thirty (30) days after the City Engineer receives the request. *The written request shall specify the nature of the dispute, and shall include therewith a statement from a registered Colorado professional engineer as to projected flood profiles, elevation and projected velocity, and the basis for the claim that the location of the boundary is incorrect.* The City Council shall not change the boundary line for City regulatory purposes unless it finds that the boundary is clearly incorrect. The City Council recognizes that only formal letters of map and study amendments (*LOMR or LOMR-F*) issued by the Federal Emergency Management Agency are effective to change the boundary line for federal regulatory purposes.

(3) If a lot or parcel of land lies partly within the *regulatory* flood plain, the part of such lot or parcel within such area shall meet all the standards and requirements of such area as prescribed by this Section 17-16-200 FC-Flood Plain Control District. If land outside the City is included within a *regulatory* flood plain area, the requirements of this ~~Article~~ Section 17-16-200 apply to such land upon annexation without any requirements that the City Council further approve a *flood boundary* map covering such area.

SECTION 4 Subsection 17-16-200(d) Administration, (1), (2) and the introduction of (3). are repealed and reenacted in their entirety to read as follows:

17-16-200(d) Administration.

(1) Designation and duties of Flood Plain Administrator. The City Engineer or the Flood Plain Administrator as designated by the City Manager shall administer the requirements of this Section 17-16-200 FC-Flood Plain Control District and shall:

a. Determine that the requirements of this Section 17-16-200 have been met before issuing any permit for development in the flood plain;

b. Review applications for structures located in the Regulatory Flood Plain to assure that all necessary conditional use permits, certificates of appropriateness or exemptions for historic structures, and other required permits have been received from those governmental agencies from which approval is required by City, federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334;

c. Notify adjacent communities, Adams County, the Colorado Water Conservation District Board and the Federal Emergency Management Agency before permitting any change in a watercourse;

d. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

e. Maintain, for public inspection, all records pertaining to the provisions of this Section 17-16-200 FC-Flood Plain Control District, *including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures; and*

f. *Where interpretation is needed as to the exact location of the boundaries of a Regulatory Flood Plain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Flood Plain Administrator shall make the necessary interpretations.*

(2) Flood regulations in relation to other regulations. The requirements of this Section 17-16-200 FC-Flood Plain Control District supplement those imposed on the same lands by any underlying zoning provisions of Chapter 17, Land Use and Development Code, Chapter 14, Stormdrainage of the Brighton Municipal Code, any ordinance of the City or annexation agreement, *as the same may be amended from time to time*. If there is a conflict between such requirements or agreements, the more restrictive controls. If a use not conforming to the requirements of this Section 17-16-200 FC-Flood Plain Control District is discontinued for six (6) consecutive months, no person shall use the structure or premises thereafter unless such use and structure conform to the requirements of Section 17-16-200.

(3) Existing structures. Any activity for which a Floodplain Permit was issued by the City Engineer or a CLOMR was issued by FEMA prior to the adoption of this ordinance amending Section 17-16-200 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards. The use of any structure on land within the Regulatory Flood Plain that was lawful before the application of this ordinance and conformed to the prior provisions of Section 17-16-200 FC-Flood Plain Control District or any amendment thereto, but does not conform to the requirements adopted herein, may be continued, subject to the provisions of Article 17-28. Non-conforming uses and structures of the City of Brighton Land Use and Development Code as the same may be amended from time to time and the following conditions:

SECTION 5. Subsection 17-16-200(d) Administration, (4) Issuance of a flood plain permit, (b)(5) Application materials shall be renumbered as subsection 17-16-200(d)(5) and repealed and reenacted to read as follows:

Section 17-16-200(d)(5) Application Materials

Application materials. *Application for a Flood Plain Permit shall be presented to the Flood Plain Administrator on forms furnished by him/her and may include, but not limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the Regulatory Flood Plain area. Additionally, the following information is required:*

- (a) *Cross-sections illustrating the flood plain in the area to be occupied by the development and the base flood elevation;*
- (b) *Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;*
- (c) *Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;*
- (d) *A certificate from a registered Colorado professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of subsection 17-16-200(e)(10)(e) below;*
- (e) *A flood plain analysis by a Colorado registered professional engineer of the flood profile, elevation and velocity, using methodology acceptable to the Federal Emergency Management Agency, including existing and anticipated uses and making a determination that the proposed construction will not cause a rise in the elevation of the water surface of the base flood.*
- (f) *An analysis by a registered Colorado professional engineer or licensed architect of the structural design, specifications, and plans for the construction certifying that the design and methods of construction are in compliance with the regulations and requirements of this Section 17-16-200 FC-Flood control district;*
- (g) *Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development; and*
- (h) *In addition to the application materials required to obtain a permit, the City Engineer may require the applicant to furnish additional information and details deemed necessary to evaluate the effects of the proposed development upon the flood plain and the safety of inhabitants and visitors.*

SECTION 6. A new subsection 17-16-200(d) Administration (6) Application Review is adopted to read as follows:

Section 17-16-200(d)(6) Application Review.

Approval, denial or approval with conditions of a Flood Plain Permit by the Flood Plain Administrator shall be based on all of the provisions of this Section 17-16-200 Flood Plain Control District. When reviewing an application for a Flood Plain Permit, the Flood Plain Administrator may approve, disapprove or approve with conditions the application after reviewing the following relevant factors:

- (a) *The danger to life and property due to flooding or erosion damage;*
- (b) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*
- (c) *The danger that materials may be swept onto other lands to the injury or damage to another;*
- (d) *The compatibility of the proposed use with existing developments;*
- (e) *The safety of access to the property in times of flood for ordinary and emergency vehicles;*

(f) *The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water services;*

(g) *The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;*

(h) *The necessity to the facility of a water front location, where applicable;*

(i) *The availability of alternative locations, not subject to flooding or erosion damages, for the proposed use;*

(j) *Whether or not the proposed development constitutes a critical facility as designated in subsection 17-16-200(g) Critical facilities below or so designated by other action of the City Council, and if it is, the required freeboard elevation above the base flood elevation shall be no less than two (2) feet; and*

(k) *The application of the provisions and regulations of the City of Brighton Land Use Development Code and Comprehensive Plan.*

SECTION 7. Subsections 17-16-200(e) Flood Plain Regulations (3); (10)(e) and (11) are repealed and reenacted to read as follows:

17-16-200(e)(3) *With the exception of critical facilities outlined in subsection 17-16-200(g) below, the freeboard of the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) of new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall be either elevated to at least one (1) foot above the base flood elevation, or together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.*

A registered Colorado professional engineer or architect shall develop and review structural designs, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with this subsection 17-16-200(e)(3) and accepted standards of practice.

17-16-200(e)(10)(e) *New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:*

(1) *A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and*

(2) *The bottom of all openings shall be no higher than one foot above grade; and*

(3) *Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

17-16-200(e)(11) *No person shall store or process materials that are hazardous, flammable, poisonous or explosive, that in times of flooding could in any way be harmful to human, animal or plant life, or that are buoyant and not adequately anchored or contained, except at or above the Regulatory Flood Plain elevation for the area in which they are located.*

SECTION 8. A new subsection 17-16-200(d) Administration (4) (b) Development exempted (5) Compliance is adopted to read as follows:

17-16-200(d)(4)(b)(5) *Compliance.*

No structure or land shall hereafter be located, altered, or have its use changed within the Regulatory Flood Plain without full compliance with the terms of this Section 17-16-200 FC-Flood Plain Control District, as the same may be amended from time to time, and other applicable ordinances and regulations. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.

SECTION 9. A new subsection 17-16-200(e) Flood plain regulations (17) Recreational Vehicles is adopted to read as follows:

Section 17-16-200(e)(17) Recreational Vehicles - All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City's FIRM must either:

- (1) Be on the site for fewer than 180 consecutive days;*
- (2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or*
- (3) Recreational vehicles must be placed in an elevated or a permanent foundation such that the lowest floor is elevated to one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.*

SECTION 10. A new subsection 17-16-200(f) Properties removed from floodplain by fill is adopted to read as follows:

Section 17-16-200(f) Properties removed from floodplain by fill.

A flood plain permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR_F), unless such new structure or addition complies with the following:

- (1) Residential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill.*
- (2) Nonresidential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one (1) foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effect of buoyancy.*

SECTION 11. A new subsection 17-16-200(g) Critical facilities is adopted to read as follows:

17-16-200(g) Critical Facilities.

(1) Protection for Critical Facilities. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Regulatory Flood Plain shall be regulated to a higher standard than structures not determined to be Critical Facilities.

For the purposes of this Section 17-16-200 FC-Flood Plain Control District, protection shall include one of the following:

a) Location outside the Regulatory Flood Plain; or
b) Elevation of the lowest floor or flood proofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the Base Flood Elevation.

(2) Ingress and egress for new Critical Facilities. New Critical Facilities shall, when practicable as determined by the City Engineer, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(3) Classification of Critical Facilities. For the purposes of this Section 17-16-200 FC-Flood Plain Control District, the following shall be classified as Critical Facilities:

a) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City Engineer that the facility is an element of a redundant system for which service will not be interrupted during a flood.

(b) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

Specific exemptions to this category include:

Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

(c) At-risk population facilities include medical care, congregate care, and schools.

(4) Ingress and egress for new Critical Facilities: New Critical Facilities shall, when practicable as determined by the City Engineer, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

SECTION 12. Subsection (g) Flood Plain variance criteria, is hereby re-lettered as (h) Flood plain variance criteria and subsection (g)(2) Variance criteria (h) is repealed and reenacted in its entirety to read as follows:

Subsection 17-16-200(h)(2)(h) Historic Structures.

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

SECTION 13. **Repeal.** Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

SECTION 14. **Purpose.** The purpose of this Ordinance is to provide for the health, safety and welfare of the people.

SECTION 15. **Validity.** If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

SECTION 16. **Interpretation.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose.

**INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED
THIS 4th DAY OF February, 2014.**

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

Published in the *Standard Blade*
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**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED
BY TITLE ONLY THIS _____ DAY OF _____, 2014.**

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

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Final Publication: _____